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Ontario Royal commission inquiry into labour disputes

Hearings

v. 12 March, 1967







68

# ROYAL COMMISSION INQUIRY INTO LABOUR DISPUTES

343

**HEARINGS HELD AT  
WINDSOR**

**VOL. NO.**

**DATE**

12

March 28, 1967

*Official Reporters*

NETHERCUT & YOUNG LIMITED  
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TELEPHONE 363-3111





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Toronto, Ontario

1 IN THE MATTER OF The Public  
2 Inquiries Act, R.S.O. 1960,  
3 Chapter 323

4 - and -

5 IN THE MATTER OF an Inquiry  
6 into Labour Disputes

7  
8 BEFORE: The Honourable Ivan C.  
9 Rand, Commissioner, at  
10 the Essex County Court-  
11 house, Windsor, Ontario,  
12 on Tuesday, March 28th, 1967.

13 E. Marshall Pollock

14 Counsel to the Commission

15 APPEARANCES:

16 Windsor and District Labour Council

17 Edward Biallargeon  
18 Ian Logan

President

19 Trevelyan Brown

In his personal  
20 capacity.

21 Charles Brookes

President of U.A.W.  
22 Local, Chrysler  
Corporation

23 W. LeBlanc  
24 John Wacheski

Distillery Workers  
25 Union.

26 Nethercut & Young Limited, Official Reporters, 48 York  
27 Street, Toronto, Ontario. Per I.B. Netherby.





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1238

1 Windsor, Ontario,  
2 Tuesday, March 28th,  
3 1967.

4  
5 --- At 10:00 A.M., the hearing commenced.  
6  
7

8  
9 MR. POLLOCK: The Windsor and District Labour  
10 Council, Mr. Biallargeon and Mr. Logan, would you come  
11 forward, please, gentlemen.  
12

13 THE COMMISSIONER: I am sorry we seem so far  
14 away, gentlemen, so we will have to speak up.  
15

16 MR. BIALLARGEON: Mr. Logan hasn't arrived yet.  
17 He will be here shortly.  
18

19 MR. POLLOCK: This is, of course, the continuation  
20 of the hearing of the Royal Commission into labour  
21 disputes and the opening morning of the sittings in  
22 Windsor. We expect to be here today and tomorrow to hear  
23 submissions within the terms of reference, and the first  
24 submission this morning is on behalf of the Windsor and  
25 District Labour Council. Mr. B-i-a-l-l-a-r-g-e-o-n. Is  
26 that correct, Mr. Biallargeon?  
27

28 MR. BIALLARGEON: Correct.  
29

30 MR. POLLOCK: You are the President of the  
Windsor and District Labour Council. Do you want to wait  
for Mr. Logan to come?

MR. BIALLARGEON: I will check in the hallways,  
he should be out there.

MR. POLLOCK: We will wait a few minutes. I  
might say at the outset we have both read your brief with  
considerable interest. We note that it is nine pages long  
and we don't want to restrict your presentation in any  
way, but if you care to go over the highlights of it and





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1239

1 then we can discuss some particular matters relating to  
2 the question of the Commission, we can branch out from  
3 there.

4 I don't think there will be much purpose served  
5 by reading it again, unless you insist or prefer.

6 MR. BIALLARGEON: I think that is satisfactory.

7 MR. POLLOCK: Fine.

8 MR. BIALLARGEON: Mr. Chairman, the Brief starts  
9 off primarily outlining the need for changes and this is  
10 the reason why the Commission was set up, to get the pro-  
11 posed changes and different points of view. Labour has  
12 felt that the changes that are necessary deal in two areas  
13 primarily, which our brief is hitting at.

14 First of all, the question of injunctions which  
15 has been a sore point with us for quite awhile, although  
16 in big industry we have not found management using this  
17 as an effective weapon for strike breaking. However, we  
18 do find it in the smaller industries where the injunctions  
19 are used to bring in workers to operate the plant.

20 The second highlight we feel in industry the  
21 unions concerned have the right to strike during the terms  
22 of a collective agreement. We feel in this area there is  
23 an important need for a change. We find management takes  
24 advantage of the long drawn-out grievance procedure as a  
25 way of postponement or delaying the problem, resulting in  
26 the union being frustrated in trying to solve problems  
27 close to the men on the job; the every-day agreement, the  
28 working agreement, because of the fact when we sit down  
29 and negotiate a collective agreement we try and correct  
30 abuses that have taken place in the prior agreement. Once





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1240

1 the changes are made the problem is to get the company to  
2 live with them. They have the tendency, upon a change of  
3 management, not to regard the agreement we negotiate with  
4 one team of people responsible for the collective agree-  
5 ment. Maybe, a few months later there is a complete change  
6 in the management people, either at the plant level or  
7 labour relations level.

8 As a result they start interpreting the contract  
9 contrary to the intent. Obviously it is difficult to  
10 write the language that will cover any situation, so in the  
11 course of bargaining table discussions we arrive at some  
12 tentative collective agreement, but when these people step  
13 out of the picture and no longer are the people who will  
14 solve the problem, where do we go from there?

15 The company takes the attitude a grievance and  
16 instead of sitting down and working out the intent of the  
17 agreement, they try to get an arbitrator to solve the  
18 problem. The union has felt there is some advantage in  
19 arbitration in some conditions, but when they do it be-  
20 comes frustrating and results, in many cases, in illegal  
21 strike and when this kind of problem is facing us we feel  
22 there should be some balance of power in which the union,  
23 once they reach a point of frustration, can call the  
24 members together and explain the situation and let them  
25 decide whether we should take a strike as they do in the  
26 Norris Labour Act, to have management come to the bargain-  
27 ing table and discuss it on a sensible basis. The way it  
28 is done today we will take it to an arbitrator.

29 THE COMMISSIONER: What kind of grievances have  
30 you in mind that are piling up?





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1241

1                   MR. BIALLARGEON: To give you some examples,  
2 first of all this is a sore point. We will see foremen  
3 working. The company representatives agree with us that  
4 their supervisors will not be doing the work of hourly-  
5 rated employees on the job. Of course, there are some  
6 exceptions which we recognize the foremen may be required  
7 to work upon in emergencies, but where there is a layoff  
8 and supervisors take the work of an employee -- or the  
9 reverse may happen where there is an upswing in the em-  
10 ployment and the foremen are working -- the company takes  
11 the position, "Who is going to grieve?" You will agree  
12 there is a violation, but there is no penalty on the  
13 company.

14                  THE COMMISSIONER: How long has that been ex-  
15 perienced?

16                  MR. BIALLARGEON: Every day.

17                  THE COMMISSIONER: Why hasn't it been covered  
18 by an agreement?

19                  MR. BIALLARGEON: It is covered by the agreement  
20 but, for example, we will hear this from one hundred  
21 people and we put in a grievance complaining of the super-  
22 visor working. The arbitrator will probably agree the  
23 foreman is violating the contract but there is no penalty  
24 on the company.

25                  THE COMMISSIONER: Have you urged a penalty in  
26 your negotiations for an agreement?

27                  MR. BIALLARGEON: To try and write in every  
28 situation is difficult, but we get the commitment from  
29 management that if we wish it the supervisor working will  
30 be put back on an hourly rate if he insists on working.





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1242

1 They give us the commitment at the bargaining table but  
2 in actual practice it doesn't work.

3 THE COMMISSIONER: How would you suggest the  
4 problem could be met, other than a strike? It would seem  
5 a serious resort to have a strike over a question of that  
6 sort.

7 MR. BIALLARGEON: It is the following up of  
8 these abuses I am trying to get arranged. The next abuse  
9 is the question of unsafe jobs, where employees are re-  
10 quired to work in an unsafe operation.

11 As a result of an unsafe operation we grieve.  
12 The company says, "We will fix it on the weekend," and in  
13 some instances this may be necessary. It may shut down the  
14 operation depending on how hazardous the job is. The  
15 union representatives tend to look at both sides of the  
16 stories and to give the opportunity to fix it. There are  
17 other jobs we could possibly live with that might not be  
18 that hazardous. We are told the company has a budget and  
19 they will spend X number of dollars to renovate the plant,  
20 this they tell us and say they will do it but they don't  
21 unless the fellows refuse to operate the job.

22 THE COMMISSIONER: Give me a few examples of  
23 the dangerous conditions that exist.

24 MR. BIALLARGEON: Well, for example we will have  
25 the blocks coming down the line. Motor blocks weighing  
26 three or four hundred pounds travelling on a flat line and  
27 there will be a stop there.

28 THE COMMISSIONER: Are they on a slope?

29 MR. BIALLARGEON: No, travelling down a line  
30 with a stopper to prevent them going over. Now, this





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1243

1 stopper may not work effectively or may break, and you go  
2 to management and ask them to fix it.

3 THE COMMISSIONER: How long has that been used  
4 in your plant?

5 MR. BIALLARGEON: If there is a stopper it would  
6 be safe.

7 THE COMMISSIONER: How long has it carried on  
8 as you say today?

9 MR. BIALLARGEON: In this case I am thinking of  
10 it was used for a couple of years, I would say, and this  
11 situation when it was brought to their attention -- it was  
12 brought to their attention on the 15th of December and on  
13 the 30th of December the steward advised the company the  
14 employees were refusing to work, after the company had  
15 been allowed fifteen days to fix it. The company took the  
16 position that until the men stopped working they would  
17 not do anything about it, but the union representative who  
18 intimated to the company what the problem was, got sus-  
19 pended for five days.

20 MR. POLLOCK: What happens if the blocks carry  
21 on?

22 MR. BIALLARGEON: They fall on the floor.

23 MR. POLLOCK: Do they fall on anybody?

24 MR. BIALLARGEON: The employees that are around  
25 -- the few employees in this area are always having to  
26 guard themselves from the blocks falling.

27 THE COMMISSIONER: What are the means the com-  
28 pany should take to prevent that?

29 MR. BIALLARGEON: They should put in the guards  
30 to prevent it.





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1244

1 THE COMMISSIONER: They simply put up a guard?

2 MR. BIALLARGEON: Yes, the factory inspector was  
3 in and agreed it was unsafe, but it didn't correct the  
4 problem.

5 The steward got a five-day suspension and that  
6 was in grievance. The company has refused -- still re-  
7 fuses and hasn't gone to the steward and said, "We were  
8 wrong, we will correct the problem."

9 We have another situation. In the foundry an  
10 employee was operating a hoist that was frayed. You could  
11 see it would break at any time. They asked to shut the  
12 operation down to get the thing fixed, it was only a mat-  
13 ter of a short shutdown to put a new rig on the hoist; the  
14 steward advised the employee that under the Act if you  
15 think it is unsafe you should not operate it. It is the  
16 same if you are the operator of an automobile. If you  
17 know the motor vehicle is unsafe, you shouldn't operate  
18 it. It is the same with the employee running the hoist.  
19 The steward advised them of that and he was suspended.

20 THE COMMISSIONER: In the previous example you  
21 said it was in existence for two years?

22 MR. BIALLARGEON: The operation with the guard  
23 and the protection there? They were working until the  
24 problem arose.

25 THE COMMISSIONER: Did the guard disappear?

26 MR. BIALLARGEON: I am not too sure. I can call  
27 on someone to give you specific details.

28 THE COMMISSIONER: I wanted to know the kind of  
29 basis of complaint there. What would you suggest as a  
30 means by which these problems would be eliminated?





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1245

1                   MR. BIALLARGEON: Well, first of all, as you  
2 know in the United States there are a number of issues  
3 which they can strike on in the question of safety.

4                   THE COMMISSIONER: Would you agree it seems ab-  
5 surd to strike over a matter of that sort on which there  
6 is no real controversy?

7                   MR. BIALLARGEON: The only controversy is moving  
8 the company to fix it.

9                   THE COMMISSIONER: But none as to the necessity  
10 or the desirability of striking when the condition is one  
11 of safety. I think it is absurd to talk about striking  
12 for that.

13                  MR. BIALLARGEON: Well, if you could tell me  
14 how to get the company moving.

15                  THE COMMISSIONER: I wonder if there is a rep-  
16 resentative of a Labour Board who could view the thing on  
17 the spot and call the company's attention to it -- and  
18 the attention of anybody else who is interested -- and  
19 have it looked after immediately? They do that sort of  
20 thing in other countries.

21                  MR. BIALLARGEON: We might call the safety  
22 people to put teeth in the programme to protect not only  
23 the worker who acts under the Safety Act, but if you read  
24 the Act that way and if you act on that basis, the Depart-  
25 ment of Labour can't step in and get my job back as a  
26 result of it.

27                  I refer to Huron Steel where the employee came  
28 off compensation as a result of injury and was asked to  
29 go back. He said, "I am not going back to this same job."

30                  This company had a history of being penalized





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1246

1 for unsafe machinery and yet when it went to the arbitra-  
2 tor the arbitrator never tested whether the job was unsafe  
3 There was a dispute. The firm told him if he didn't op-  
4 erate the job he could go home. The employee left the  
5 premises and as a result the judge took the position that  
6 he believed what the firm had said.

7 Where do we stand when two people have a story  
8 both in dispute and there is a controversy? The arbitra-  
9 tor says, "I accept one decision over the other," and  
10 comes to a conclusion and does not deal in whether the job  
11 is unsafe or not.

12 Now, the question of overtime: The Act gives  
13 the worker the right to refuse overtime but no protection.  
14 The Act says you can refuse over forty-eight hours but  
15 the government officials who put in the legislation put in  
16 if the worker exercises his right it is not with pro-  
17 tection.

18 MR. POLLOCK: What is the right under the col-  
19 lective agreement?

20 MR. BIALLARGEON: The collective agreement can't  
21 supersede the law.

22 MR. POLLOCK: If you are talking about the Hours  
23 of Work and Vacation with Pay Act it says an overtime  
24 order will not preclude the worker from refusing to work,  
25 is that right? Something to that effect? Now, if the  
26 worker has agreed in a collective agreement that he will  
27 not work overtime when scheduled, the collective agreement  
28 precludes him from working overtime, not the order. It  
29 is the collective agreement. If you do not have a col-  
30 lective agreement and are working under the Act simply on





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1247

1 they get an overtime order, there is nothing today to com-  
2 pel you to work without a contract. The legislation under  
3 its terms states that with the approval of the Industry  
4 and Labour Board, the schedule of overtime is so much; and  
5 then there is a Clause 6 or 52 or something like that in  
6 the Hours of Work and Vacations with Pay Act that says,  
7 "Nothing in this section or order shall preclude the em-  
8 ployees from refusing to work overtime." That is fine  
9 as long as you have not a contract that says you are going  
10 to work overtime. Then you don't have to but if your col-  
11 lective agreement says you do and the company gets per-  
12 mission, you have to work. It is because of the collective  
13 agreement, not the legislation.

14 MR. BIALLARGEON: You are saying the company has  
15 the right to schedule overtime. Most agreements say the  
16 company will pay a penalty for overtime, it doesn't say  
17 you must or must not work. We depend on the law as to  
18 what rights the individual has, not on the collective  
19 agreement, I can't take away the individual's rights which  
20 he has under the law no matter what I have in the collec-  
21 tive agreement. I cannot write a contract to take the  
22 individual's rights away.

23 THE COMMISSIONER: Of course you can't, but the  
24 statute may have a provision that you can override the  
25 terms by a contract. It is a question of fact. Does the  
26 statute allow that?

27 MR. BIALLARGEON: We tried to get an interpre-  
28 tation but they won't give it.

29 THE COMMISSIONER: Then you have a court which  
30 deals with many complaints of that sort.





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1248

1                   MR. BIALLARGEON: Yes, and the question of frivolous suspensions where the supervisor may take it on his own undertaking to make suspensions. You may have one area where there are a number of suspensions. The supervisor is as human as the next person.

6                   MR. POLLOCK: That is a big concession from you.

7                   MR. BIALLARGEON: Not really a big concession. We work with these people and we realize they are under pressures, and they react very naturally. We sometimes get to the person to make him change his ideas but if management -- and this is peculiar in some industries as related to other management -- if it spells out different authorities you might say in this department you have one authority that is entitled to the distribution of a number of men who are going to operate the plant, you have another authority to take up the complaint of the worker and the other authority whose only interest is to get production out, and naturally there must be a conflict in the groups. The head of a department is making sure his particular division is working at top efficiency. Now sometimes the production -- which is the main thing to the large industry, or any industry, is to get production for sales. This is where the profits are made. These are not the people you will see across the bargaining table, not the labour relations officer, but the people responsible for running the plant. They are not the people who make the decision on the contract but once you sign it the people responsible for keeping the plant running go on their merry way after the contract is signed and say, "If you don't like it put in a grievance."





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1249

1           Thus they put you to one side to get production  
2 out and ignore the problem. This builds up the grievances  
3 which eventually come to a point where the workers rebel.

4           MR. POLLOCK: You want a penalty for delay in  
5 the grievance procedure that would encourage the company  
6 to rectify the grievances, if from your example you go  
7 through arbitration. Maybe you need a shorter second step  
8 or a quick decision by some other party, whatever step  
9 that happens to be. You are saying by the time you get to  
10 arbitration, even if quick, this abuse has gone on for a  
11 considerable length of time. Even if for only a few days  
12 if it is hazardous that is sufficient. If the arbitrator  
13 says, "Yes, Union you are right and Company you are wrong  
14 do something about it," then finally the company does  
15 something about it.

16           You are saying by having a strike weapon you can  
17 compel the company to get up and do something. What if  
18 you have a penalty of some other kind, a monetary fine of  
19 a thousand dollars a day or something like that?

20           MR. BIALLARGEON: I haven't found any large cor-  
21 poration where a punitive fine would stop them. They  
22 would gladly pay the fine if they can get away with some-  
23 thing.

24           THE COMMISSIONER: It seems to me that many of  
25 these problems such as the things you have mentioned could  
26 properly be settled in a few minutes by somebody who had  
27 authority to go there and hold an investigation immediately  
28 and give a direction one way or the other as to what  
29 should be carried out.

30           MR. BIALLARGEON: What would you have -- let us





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1250

1 look at the situation today. Maybe one of the ideal situations in our case is we have a situation that has developed, where the Provincial Government suggests to the jurists they do not take arbitration cases. This was in April of last year.

6 MR. POLLOCK: That was Federal. The Federal  
7 Government said you could take the cases but you would  
8 not be paid while acting as an arbitrator.

9 MR. BIALLARGEON: We have been waiting for an  
10 arbitrator since April of last year, and the arbitrator  
11 had a case but unfortunately had a heart attack. We have  
12 waited since April last year for a decision and we have  
13 had no cases since April of last year. We have seven to  
14 eight hundred grievances under procedure.

15 THE COMMISSIONER: Waiting the appointment of  
16 an arbitrator?

17 MR. BIALLARGEON: Yes, now what person can possibly,  
18 with that number of cases, sit down and really go  
19 through them when they involve people discharged and  
20 people suspended, we feel frivolously, and the question  
21 of abuses and questions of a firm working. These should  
22 not be in arbitration but there is nothing to gain by us  
23 hoping the complaint will be brought to higher management  
24 and they will take care of it.

25 The same fellows quit by the time their cases  
26 are prepared. Some fellows leave and some get fired and  
27 go to other areas to work. We can't find them and the  
28 whole procedure is such we can't cope with the situation.

29 In the United States and I will use Chrysler, I  
30 am familiar with it, they have eight times as many men.





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1251

1 They have in the system thirty grievances where they have  
2 eighty to ninety thousand employees. They have the right  
3 to strike and most of the grievances are settled.

4 THE COMMISSIONER: Whom do they use as the so-  
5 called arbitrator?

6 MR. BIALLARGEON: They have one arbitrator that  
7 the company and union agree to handle it, but he may only  
8 hear two or three cases every two or three months.

9 THE COMMISSIONER: Why not go to a plant and  
10 inspect the thing in five minutes?

11 MR. BIALLARGEON: Like I am saying, how do you  
12 do this in that short period of time? You have --

13 THE COMMISSIONER: If you have an officer avail-  
14 able with authority to do that work, there should be no  
15 trouble to proceeding.

16 MR. BIALLARGEON: There would be some advantage  
17 to that if an individual could come in and make decisions.

18 THE COMMISSIONER: That is exactly the decision  
19 they make in Australia, before the complaints are blown up  
20 beyond all reason.

21 MR. BIALLARGEON: If you went to industry and  
22 labour compulsory arbitration. But management feels they  
23 are more qualified to sit across the bargaining table over  
24 here. We don't sit as equal partnership, we have no econ-  
25 omic pressure on them to sit down and make a determination  
26 and try and settle a problem.

27 MR. POLLOCK: Do you think it is possible to  
28 negotiate into your agreement an accredited arbitrator to  
29 handle these say safety grievances? One of the difficul-  
30 ties, and we have had this presented to us by the other





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1252

1 side and I put it to you, coming from that source, that  
2 there seemed to be a rash of safety grievances at particu-  
3 lar times, depending on the type of pressure that the  
4 union wants to put on the company, especially when negot-  
5 iating time is coming up or where the unions want to punish  
6 a company for some reason. Let us say they have suspended  
7 somebody or they have failed in a grievance and they want  
8 to show the company that it cannot get away with that, be-  
9 cause the unions feel it is unfair. Without going into the  
10 merits of the original grievance you say there is a safety  
11 factor and you pull everybody out of the shop.

I never heard the one of the moving blocks before.  
12 This is not a frivolous complaint and I am not suggesting  
13 the others are frivolous. Machines will break down a lit-  
14 tle bit and equipment deteriorates slowly. If you went  
15 through any plant you would find at least fifty or one  
16 hundred things of which there could be a question of safety.  
17 Whether valid or not that is another question. How do you  
18 distinguish between all those?

MR. BIALLARGEON: I don't know -- the company  
20 think they can go to the extreme in most cases before we  
21 ask the employees to go on the street for certain issues.  
22 There will be valid investigation on our part to give the  
23 company a fair opportunity to correct it. It is only after  
24 we are ignored and insist on our rights -- even under our  
25 collective agreement we still have to get authorization  
26 from the International Union.

Talking about the auto workers, before we can  
28 strike there are limitations under the constitution. We  
29 recognize that after all you cannot let anybody make a





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1253

1 decision of that type. It is based on the facts. On the  
2 question of safety the individual has the right to stop  
3 but it doesn't mean the plant goes down. It means that  
4 operation could stop but that doesn't mean shutting down  
5 the plant.

6 THE COMMISSIONER: You don't want a full rigged  
7 investigation over a matter of safety of that sort. You  
8 want the condition of lack of safety corrected, isn't that  
9 it? You want whatever protection or protective means are  
10 possible where the blocks were carried along the line.  
11 You want that protected in the interests of the worker?

12 MR. BAILLARGEON: Yes, certainly.

13 THE COMMISSIONER: So it doesn't matter how you  
14 bring it about, as long as you do?

15 MR. BAILLARGEON: The time element is important.

16 THE COMMISSIONER: Certainly, you want it done  
17 quickly, don't you? It seems to me the proper thing would  
18 be to have a competent man to go on the site and make an  
19 inspection. There cannot be very much difference of  
20 opinion whether a thing is safe or not, can there?

21 MR. BAILLARGEON: There shouldn't be. Sometime  
22 it may be questionable like for example you may operate a  
23 machine and it might be perfect. You might operate it one  
24 hundred times a day and it might not double-trip but then  
25 the next time it might.

26 THE COMMISSIONER: Over the last year have all  
27 the conditions about which complaints have been made been  
28 continuing?

29 MR. BAILLARGEON: In some cases they are even-  
30 tually resolved. The inspector is able to get in there





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1254

1 and makes recommendations and says he will return in X  
2 number of days. I am not saying there is a complete break  
3 down in the Provincial Government Inspection Department  
4 not doing anything about it, but there are conditions that  
5 arise at three in the morning, when you are operating three  
6 shifts, seven days a week.

7 I understand there are only some eight hundred  
8 people in the department responsible for operating under  
9 the Safety Act and with thousands of plants they must in-  
10 vestigate, they have not the staff.

11 First of all, you need a number of people in  
12 one plant if you take a plant like Chrysler with eight or  
13 nine thousand employees. There should be three people at  
14 least available for the three shifts, because things hap-  
15 pen. You might say when there is a change in the oper-  
16 ation the company decides today they will change a method  
17 and move the whole operation to an area and the engineer  
18 may not have taken certain things under consideration.  
19 The operator gets on there and immediately realizes if he  
20 operates it, it is unsafe. The engineer will say there  
21 is nothing unsafe about that. He put it up and he is in  
22 a spot. He may protect himself so he will say to the fore-  
23 man that is not unsafe and the worker should operate it.  
24 The foreman will operate on the engineer's basis. This  
25 happened to one employer who knows the operation is unsafe  
26 as he has worked on the job for ten years.

27 MR. POLLOCK: Do you know if there is sufficient  
28 volume of this type of work to have somebody employed  
29 full-time, paid for half by the union and half by the  
30 company?





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1255

1                   MR. BIALLARGEON: Do you think he would be im-  
2 partial?

3                   MR. POLLOCK: As long as you pay him half.

4                   MR. BIALLARGEON: We have arbitrators too.

5                   MR. POLLOCK: If you can't find somebody like  
6 that, how are we able to get people like that?

7                   MR. BIALLARGEON: I think the government should  
8 handle this, acting separately and apart should decide  
9 these things and they should be the people to determine it.  
10 Undoubtedly people are trained in this type of work. You  
11 have them for foundries. It is just that the question of  
12 safety is one that comes up at the spur of the moment.

13                  When it does that foreman needs the production.  
14 He reacts immediately. He wants his production and ob-  
15 viously he will sometimes intimidate and the man who works  
16 it knows in many cases that if he gets suspended his  
17 grievance will go into a backlog and he may have to wait  
18 a year.

19                  THE COMMISSIONER: In the meantime, what does  
20 he do?

21                  MR. BIALLARGEON: Continues on working.

22                  THE COMMISSIONER: Have you had any cases in  
23 which the continuation of the worker led to any injury?

24                  MR. BIALLARGEON: Off the top of my head, no,  
25 but I know some complaints have been laid. Maybe not the  
26 operator but some other operator. He may not be aware  
27 of the situation.

28                  THE COMMISSIONER: Surely there is no suggestion  
29 there is any basis for the suggestion that sometimes these  
30 are multiplied by way of tactics in politics between union





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1256

1 and company?

2 MR. BIALLARGEON: Politics between union and  
3 company?

4 THE COMMISSIONER: Yes, approaching negotiation  
5 time and you rush out a number of these complaints.

6 MR. BIALLARGEON: It is shoved in as quickly as  
7 possible and we discuss it, and an investigation takes  
8 place by the company representative and eventually we get  
9 the answer. There is some delay in getting an answer after  
10 they complete the investigation.

11 In the meantime the safety problems are aggra-  
12 vating even though not immediately dangerous to your  
13 health or would kill you, to put it that way, but are  
14 constantly an aggravation to health. I would say for ex-  
15 ample, use our motor plant, I know they used to have an  
16 average of between ten and fifteen grievances a week on  
17 the conditions of the floor. They had some --

18 MR. POLLOCK: Fifty-two hundred a year?

19 MR. BIALLARGEON: I have seen fifteen a week and  
20 the company would have a mass clean-up operation and then  
21 run two or three weeks without any, and then you would get  
22 fifteen again. It is just a matter of putting enough em-  
23 ployees on clean-up, to clean up the oil, because the  
24 machinery would leak and there was no way of containing it.  
25 They would put five gallons of oil in some of these  
26 machines because of the leak. It would gradually run out  
27 and the oil would be all over the floor.

28 THE COMMISSIONER: Have you a record of injuries  
29 resulting from this condition?

30 MR. BIALLARGEON: Yes, from the First Aid and





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1257

1 Grievances.

2 THE COMMISSIONER: Have you statistics to show  
3 how many injuries resulted from the failure of the company  
4 to take steps to remove matters that were reported?

5 MR. BIALLARGEON: Not completely. Unless they  
6 were reported to us we wouldn't be aware of it, but later  
7 on we have found out about it or when the employee got hurt  
8 like one employee falling into a machine head-first.

9 THE COMMISSIONER: Surely there is a record  
10 somewhere.

11 MR. BIALLARGEON: There are in the First Aid  
12 rooms of the company.

13 MR. POLLOCK: They wouldn't distinguish between  
14 whether a fellow got his finger cut off because he put  
15 his finger in the machine?

16 MR. BIALLARGEON: They are supposed to take a  
17 record of what happened for compensable reasons. They  
18 are supposed to do that.

19 MR. POLLOCK: Let me ask you this and then we  
20 will get on to some other condition. Some safety factors  
21 can be corrected -- relatively most could be corrected  
22 for an expenditure of less than one hundred dollars?

23 MR. BIALLARGEON: In the over-all, but there  
24 are major ones in the foundry.

25 MR. POLLOCK: Could they be corrected in that  
26 way?

27 MR. BIALLARGEON: Sometimes by means of shutting  
28 the operation down for five minutes, that's all.

29 MR. POLLOCK: Perhaps you could establish a  
30 system to compensate for these problems and the company





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1258

1 might agree to the assignment of a special person, if the  
2 amount of expenditure is one hundred dollars or less, and  
3 the more complex ones can go to a more complicated pro-  
4 cedure. That would get these out of the system. If you  
5 knock off the one hundred odd grievances and get into the  
6 other area, how many grievances would you have a year in  
7 relation to other types of working?

8 MR. BIALLARGEON: You mean eliminating the safety  
9 grievances?

10 MR. POLLOCK: Yes.

11 MR. BIALLARGEON: I am saying to you, there are  
12 seven hundred in the system that have not been processed  
13 to arbitration.

14 MR. POLLOCK: The last time you had an arbi-  
15 tration you gave me a hard time.

16 MR. BIALLARGEON: I wouldn't want to claim that  
17 we know an arbitrator can't resolve this kind of situation

18 THE COMMISSIONER: In the finality, who decides  
19 whether a particular condition of a machine is dangerous  
20 to the workman operating it?

21 MR. BIALLARGEON: Primarily the workman on the  
22 job.

23 THE COMMISSIONER: Who settles the argument sub-  
24 mitted to arbitration? What is the qualification of the  
25 man who determines that?

26 MR. BIALLARGEON: A jurist.

27 THE COMMISSIONER: Do you think he would have  
28 the qualifications that a competent machinist would have  
29 to say whether or not it is safe?

30 MR. BIALLARGEON: The company prefers to have





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1259

1 the jurist.

2 THE COMMISSIONER: What about you, the Labour  
3 man?

4 MR. BIALLARGEON: These are some of the problems  
5 we have in collective agreements. We have to come to a  
6 mutual agreement on these things. The companies lean to  
7 a jurist and so far we have not been able to break down  
8 that thinking.

9 THE COMMISSIONER: This is very flattering to  
10 members of my profession, I agree, but I was wondering  
11 whether a man of mechanical training and long experience  
12 wouldn't be able to settle these.

13 MR. BIALLARGEON: For example --

14 THE COMMISSIONER: When you talk about oil on  
15 the floor, is that a serious condition?

16 MR. BIALLARGEON: It is serious to the individual.

17 THE COMMISSIONER: How many have ever been injured because there is oil on the floor?

18 MR. BIALLARGEON: In an average operation and  
19 not being in a plant myself, I know four or five that have  
20 been reported to myself.

21 THE COMMISSIONER: They slipped?

22 MR. BIALLARGEON: Yes.

23 THE COMMISSIONER: It is something that has to  
24 be corrected, of course, but I think it is a very easy  
25 thing to magnify the significance.

26 MR. BIALLARGEON: The proposal of the union was  
27 to put X number of men on in the area to see it is kept  
28 clean, but the management when they were short-handed,





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1260

1 would take these people away. They thought production was  
2 so important, they would use the people to keep the pro-  
3 duction going.

4 The floors kept getting dirty and the company  
5 did not make the effort to clean them until the union put  
6 in a number of grievances. We have been put in a situation  
7 where we don't know if the plant caught fire how they  
8 would put it out. There have been fires caused because  
9 of the company not cleaning out the wells in the line, and  
10 the oil and gasoline lying around and I have a situation  
11 in one of our plants where the gasoline leaked into the  
12 wells and the union had to complain. In fact they com-  
13 plained, and the next day there was a fire.

14 MR. POLLOCK: How does the procedural question  
15 of determining the arbitration, the form of arbitration  
16 and whether there ought to be separate arbitrators and  
17 permanent arbitrators, how does that question at the  
18 bargaining table compare in status with wage demands and  
19 fringe benefits of a monetary nature? What is the priority?

20 MR. BIALLARGEON: Let us say the union itself,  
21 realizing the mechanics of it, would like some changes in  
22 this area. These don't become the strike issues as a  
23 rule. The economic demands and changes in the contract  
24 and not the unsafe practices become strike issue because  
25 we feel the company do not want to live up to the contract  
26 no matter who you have, you get into a situation where you  
27 can't resolve it. That is why the auto workers would not  
28 give up the right to strike.

29 In the industry, the auto industry, the situation  
30 gets so there is such a change in management and





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1261

1 procedure -- they put out a directive and every one tries  
2 to put it into effect -- and the directive will say this  
3 is the manner in which one puts it into effect.

4 MR. POLLOCK: It is a fact it would be very dif-  
5 ficult to persuade the membership of the union to go out  
6 on strike if the monetary and fringe benefits demands were  
7 met, and the only issue outstanding is whether you would  
8 have an arbitrator appointed to handle safety grievances?

9 MR. BIALLARGEON: It depends on what type of  
10 procedure you could work out.

11 MR. POLLOCK: So you want a procedure -- you  
12 want an individual engineer or mechanic to be agreed upon  
13 and assuming you can agree on somebody and the company  
14 says, "No," how much support would you get from the member-  
15 ship on a non-monetary issue?

16 MR. BIALLARGEON: On that type of issue it  
17 could be an issue to the extent the membership may stay  
18 out.

19 MR. POLLOCK: It is not very likely, is it?

20 MR. BIALLARGEON: You never put yourself in that  
21 kind of a position.

22 MR. POLLOCK: It is a question of what would  
23 appear to be more streamlining to handle grievances, a  
24 better procedure so you don't go back to the warfare. You  
25 may say, "Unfortunately this is our experience and we can  
26 only go by experience. We go by our counterpart and we  
27 have Chrysler in the United States and Chrysler over here.  
28 We know how they settled their problems."

29 But here, from time to time, you have a plant  
30 where there is a build-up and a problem and eventually





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1262

1 they might put a strike deadline on to negotiate on an  
2 equitable basis with pressure on both sides. The union  
3 isn't anxious to walk the streets but you want to settle  
4 the problem. You want to know the company can't sit back  
5 and say, "We will look into it and that ends it." That  
6 is frustration and the members know they have no authority  
7 other than to sit back and wait until you can get an ar-  
8 bitrator.

9 MR. BIALLARGEON: We have a procedure of time  
10 in the collective agreement but we can't find an impartial  
11 person to make the decision. So far we haven't found a  
12 qualified person prepared to act in that capacity. Even  
13 though you write things in to the agreement it doesn't  
14 mean they will come to pass. It is getting the people  
15 prepared to devote that kind of time.

16 MR. POLLOCK: It is difficult to understand  
17 grievance procedure. That is one of the problems you face  
18 in trying to hold out for this type of thing. You would  
19 probably have to give a little on the monetary questions  
20 -- I am not criticizing -- that is one of your problems,  
21 but a problem that has to be faced up to.

22 MR. BIALLARGEON: We have just found -- we met  
23 with the company I think in the last two contracts -- we  
24 sat across the bargaining table but unfortunately we had  
25 to go on to a strike situation. We were able to set down  
26 some fifteen hundred grievances. It was an unheard of  
27 situation and eventually it was resolved, but it took  
28 fifty-nine days to do it, plus the economic things in-  
29 volved.

30 Last time there were eight or nine hundred





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1263

1 grievances eventually resolved when both parties were on  
2 an equal basis at the bargaining table and the company  
3 knew they had to resolve the problem.

4 THE COMMISSIONER: Do you mean to imply the  
5 company will not discuss these things when a complaint is  
6 made but simply says put in your grievance?

7 MR. BIALLARGEON: Let me give you some examples  
8 of what happens in an individual complaint. Say the  
9 steward goes to the supervisor wishing to lodge the com-  
10 plaint because the foreman has made his decision. It is  
11 difficult to change him so you go to higher level manage-  
12 ment. The superintendent will say, "Put in a grievance."  
13 This goes on day in and day out and in that kind of situ-  
14 ation the foreman has made his determination and it is a  
15 matter of management backing up the foreman all the way.  
16 Only when it comes to a table in front of an arbitrator  
17 where the foreman has to stand up to that decision, that  
18 management will reverse their decision, but only when  
19 management has its back to the wall. There is more advan-  
20 tage to them to let it delay by grievance than try to  
21 settle it if they are getting what they want by violating  
22 the contract and ignoring the union, even though they have  
23 a collective agreement. They find it is more advantageous  
24 to ignore the agreement. This is where the frustration  
25 comes in.

26 MR. POLLOCK: You think if the law were permis-  
27 sive in the sense of strike and depended only on a negot-  
28 iated no-strike clause, that a company would sign an agree-  
29 ment giving freedom to strike over an issue? Do you think  
30 today you could negotiate an agreement with any company





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1264

1 that you could say, "We have an agreement but we can  
2 strike?"

3 MR. BIALLARGEON: The companies, of course, like  
4 I say, they have this right in the United States but only  
5 based on an agreement. The U.A.W., don't sign a contract  
6 taking away the right to strike.

7 MR. POLLOCK: You say on Page 4 it is abundantly  
8 evident the present law does in fact create an imbalance  
9 of power between the two parties. We suggest this is  
10 imbalance as well for your employees to have the democratic  
11 right to strike during the life span of the contract.

12 You say present law creates an imbalance. If  
13 you take the present law, and I take it you mean the Labour  
14 Relations Act, if you amended that to say you would remove  
15 the provision in the Act that says, "during the currency  
16 of an agreement there would be no strikes," if you were  
17 then free to negotiate with an employer that any employer  
18 would concede very much to you when he knew any moment the  
19 price he is paying for industrial peace, the traditional  
20 statement of the policy, would have gone for nought?

21 MR. BIALLARGEON: It hasn't happened to the con-  
22 tracts in the United States. Their wages and other con-  
23 ditions, in fact what is happening in our situation it has  
24 caused the strikes. If you find management sits across  
25 the bargaining table and agrees to the intent -- and we  
26 realize it is difficult to write the language to cover  
27 every situation -- but we try to write it as ambiguous as  
28 possible to give us the latitude to negotiate, the situ-  
29 ation happens when you have a management that says that  
30 is not what the language says. You are then faced with





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1265

1 writing the language the way you want it. You are there  
2 hour by hour dotting every "i" and it becomes a legal  
3 document to the extent you try to put a company in a  
4 strait jacket. They try to fight their way out of it and  
5 you get at loggerheads. They will say no other company  
6 has it and we will say but you are the company opposing  
7 it.

8 In the United States primarily they embody some  
9 understanding and they don't write it in exactly. The  
10 application isn't anything like what the language states.  
11 They have an understanding and they don't have to change  
12 the language to the same extent there, since the contract  
13 is in effect, but the language is different from the ap-  
14 plication. They don't attempt to change it.

15 MR. POLLOCK: If the company attempted to refer  
16 to what the language said, there would be problems?

17 MR. BIALLARGEON: Yes, and they learned to live  
18 with themselves and we can do the same here.

19 THE COMMISSIONER: Are you able to say, or to  
20 classify the complaints you say are now in arbitration?  
21 How many did you say, fifteen hundred?

22 MR. BIALLARGEON: I would say around seven hun-  
23 dred as of last month.

24 THE COMMISSIONER: Seven hundred. How can you  
25 obtain a classification of those?

26 MR. BIALLARGEON: Because I am quite aware --  
27 this is my assignment at Chrysler's. I work primarily on  
28 grievances.

29 THE COMMISSIONER: Where are the complaints?

30 MR. BIALLARGEON: There is a process of





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1266

1 grievances, from the local union, the international union  
2 and the company.

3 MR. POLLOCK: Could you give the Commission  
4 within the next few days by mail a rough breakdown of the  
5 nature of the grievances, when they originally occurred  
6 and what the nature of them is? Could you provide that  
7 information for us?

8 MR. BIALLARGEON: I may be able to get infor-  
9 mation on grievances we have resolved and the length or  
10 the period of time. This will take quite a bit of organ-  
11 izing and preparing but the company has all of this.

12 MR. POLLOCK: If you have seven hundred grievan-  
13 ces, perhaps you could say or tell us if they were dis-  
14 missal grievances.

15 MR. BIALLARGEON: In that category?

16 MR. POLLOCK: That is right, separate them to  
17 suspension grievances, safety grievances or overtime grie-  
18 vances.

19 THE COMMISSIONER: That is what I want, I simply  
20 called them classifications.

21 MR. BIALLARGEON: I think I can get you some of  
22 the last five or six hundred.

23 THE COMMISSIONER: Do you expect this seven hun-  
24 dred will be decided by arbitration?

25 MR. BIALLARGEON: No.

26 THE COMMISSIONER: How will they be?

27 MR. BIALLARGEON: Our contract terminates in  
28 1967 and they will be negotiated across the bargaining  
29 table.

30 THE COMMISSIONER: The seven hundred will be





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1267

1 the object of negotiation at the bargaining table?

2 MR. POLLOCK: How do you negotiate that? Do  
3 you say something like, "You give me Smith and I'll give  
4 you Brown?"

5 MR. BIALLARGEON: No, not quite. The situation  
6 is we set up teams that go in and they examine the grie-  
7 vances on the facts. Now there are some the company  
8 brings out more facts, more information. We may say, "That  
9 is so," and if there is no way of contradicting it we will  
10 discontinue it. There may be one questionable one where  
11 the story is different. If one person is right the other  
12 one has no grievance or if the company is wrong we have  
13 a grievance. We may say there is a penalty involved so  
14 instead of having a record of a one-day penalty we will  
15 withdraw the request for pay if they will clear the man's  
16 record. We might have to get an arbitrator to decide it.

17 In others where there is no question that we  
18 feel there has been a violation of the contract and where  
19 our interpretation or our evidence is much stronger than  
20 the company is able to present, they will settle.

21 THE COMMISSIONER: Before the complaint was put  
22 on a judge's sitting, how many would you have in the  
23 course of a year upon which a judge has sat?

24 MR. BIALLARGEON: We found judges -- no, there  
25 is quite a bit involved dependent upon the type of case.

26 THE COMMISSIONER: Of course; some you have  
27 given don't involve that at all. For example if you have  
28 oil on the floor.

29 MR. BIALLARGEON: Those don't go to arbitration  
30 procedure.





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1268

1                   THE COMMISSIONER: You have really brought that  
2 up under the discussion of arbitration.

3                   MR. BIALLARGEON: Because we raised it as ad-  
4 judication but an arbitrator -- how will he resolve that?

5                   THE COMMISSIONER: Why have you brought it up  
6 under the question of arbitration?

7                   MR. BIALLARGEON: It is an unsafe condition.  
8 How do we resolve it if the company refuses to do anything  
9 about it?

10                  THE COMMISSIONER: I understood you to say when  
11 you complained the firm would say put in a grievance, that  
12 is on the way to arbitration.

13                  MR. BIALLARGEON: Yes, but by continued agitation  
14 and to the point where a few people get heard, management  
15 will say clean it up this week. The following week is  
16 the same kind of battle because in fact there is no one  
17 around to keep it clean. They have robbed the janitorial  
18 services to the extent they can't clean up every department.  
19 and we continually keep after them. After you reach some  
20 decisions on strike issues at the bargaining table, the  
21 company to resolve the problem -- a problem really only to  
22 the employees -- they will assign two members who will be  
23 there to resolve it so the company will keep it clean.  
24 This will be their recommendation. Do you think the arbi-  
25 trator has the right to tell the company to put two men in  
26 there to keep it clean? That is why we don't proceed with  
27 it any further.

28                  We keep it on record and eventually the Safety  
29 Department put some pressure on the company but unless we  
30 have come to some conclusion that there is responsibility,





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1269

1 one or two who are responsible for keeping the area clean,  
2 you can see that is the only way but we can only do that  
3 across the bargaining table.

4 MR. POLLOCK: You negotiate the number of people  
5 on the work force on a particular job. If you feel there  
6 should be three people on a machine, that is negotiated?

7 MR. BIALLARGEON: We would say the rate of pro-  
8 duction set-up we don't negotiate. If they have three  
9 employees, but three employees may be required to produce  
10 X units, if they want to produce more or less they adjust.

11 This is very difficult. You bring us into the  
12 area where at the bargaining table during the life of the  
13 agreement you don't know how every situation will change  
14 from day in and day out. A new machine may be brought in  
15 and it may be six months ironing out the kinks and there  
16 are problems. How do you negotiate that in the middle of  
17 a contract? The company will say, "That is our respon-  
18 sibility," and we say, "You need this number of people to  
19 give these units and keep the plants clean." Management's  
20 rights are pretty strong and it is hard to tie in every  
21 specific issue. That is why it is so important we have  
22 some power when we meet them to let them know the union is  
23 serious and if they are not prepared to do something the  
24 membership will strike.

25 MR. POLLOCK: Why do you want two or three-year  
26 agreements?

27 MR. BIALLARGEON: Right now we want one-year  
28 agreement. The law says we can only strike after the con-  
29 tract we are proposing --

30 MR. POLLOCK: You are now on two years?





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1270

1 MR. BIALLARGEON: We are on three years.

2 MR. POLLOCK: So if you propose a one year you  
3 might get a two year?

4 MR. BIALLARGEON: We would stay with a three-year  
5 contract as long as we have the right to strike with these  
6 other problems. We can go from one model to the next one  
7 to clean up the backlog of grievances and meet management.

8 MR. POLLOCK: Returning to your submission, have  
9 you anything more you want to add about the right to strike  
10 during the currency of the agreement?

11 MR. BIALLARGEON: In closing I could say the in-  
12 dustrial unions are such an important feature to us we will  
13 run into real problems in the future. If something isn't  
14 done we will have to go to a one-year contract which will  
15 run to strikes without a one-year contract in some indus-  
16 tries, depending on management. It will mean long strikes  
17 because we can't clean up the problems during the term of  
18 the collective agreement.

19 We have lived with it for many years and it has  
20 resulted in our situation in three strikes, because of the  
21 problem, and we can see ourselves going into a fourth  
22 strike but if this was right away we could sit at the  
23 bargaining table and eliminate the problems, and we would  
24 negotiate contract changes of economical demands and not be  
25 in the situation we are going in this year.

26 THE COMMISSIONER: I understand you cannot es-  
27 tablish a complaint against the company who did nothing to  
28 enforce the finding the company has not been living up to  
29 the contract.

30 MR. BIALLARGEON: There is a vacuum there.





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1271

1           THE COMMISSIONER: So the question is, we resort  
2 to some kind of a penalty. You say strike.

3           MR. BIALLARGEON: When I say strike it sounds bad  
4 We only want some equity when we are negotiating. We haven  
5 got that today. Everything is balanced on their side and as  
6 far as large corporations are concerned the only time they  
7 will be aware of your problem is when there is an economic  
8 force on them. If there is no economic force they will let  
9 you go through reams of briefs and educational liaison.  
10 They have people to listen to you.

11          THE COMMISSIONER: It is only a question of time,  
12 they have to go through conciliation and that can't be in-  
13 terminable unless you agree to it.

14          MR. BIALLARGEON: This is usually what we have  
15 our problems with.

16          THE COMMISSIONER: We all have problems, of course.

17          MR. POLLOCK: On the question of injunctions, we  
18 are now on Page 5. You say in the concluding paragraph on  
19 that page in talking of the Rigley Steel case the injunction  
20 permitted the company to hire new employees, and that theme  
21 runs through your whole injunction submission. Now, how  
22 does the injunction permit the company to hire new employees?  
23 What are the words and the injunction that does that?

24          MR. BIALLARGEON: I am not sure of the legal  
25 wording, just the fact there are no significant numbers of  
26 people there to demonstrate there is a strike. The employ-  
27 ees are on unemployment insurance on occasions and they are  
28 sent to the plant, but they are not informed they are going  
29 into employment and not informed there has even been a  
30 strike going on, because of the limitation of strikers.





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1272

1                   MR. POLLOCK: Let us talk about those cases where  
2 you have a limit on strikers and there are not very many  
3 today that ban picketing completely. Let us talk about the  
4 limitation of pickets. Say if you have a dozen pickets by  
5 the plant or whatever it is, three or four per gate carry-  
6 ing signs there is a strike on at this plant, so support the  
7 local or whatever it is, the U.A.W.

8                   If people go to work who are not union people, I  
9 suppose, people want to get a job. They go to their unem-  
10 ployment insurance commission and they are sent out but  
11 they can read the sign, or someone will be quick to tell  
12 them there is a strike on. So at that point there is a  
13 concentration at the gate. Will they cross or will they  
14 turn around?

15                  MR. BIALLARGEON: Many will turn around.

16                  MR. POLLOCK: So you have done that to people  
17 and some you say will cross and others will not cross.

18                  MR. BIALLARGEON: There will be other people who  
19 possibly will go in.

20                  MR. POLLOCK: Would they not cross if there was  
21 no injunction?

22                  MR. BIALLARGEON: Well, the problem of the in-  
23 junction -- although the question of going in in the in-  
24 dustry -- and maybe Ian can answer that better than I can,  
25 he is from the Construction workers. He has had more prob-  
26 lems than we industrial workers.

27                  We are saying in the outset here the companies  
28 just by applying can get an injunction, they don't have to  
29 show reason why they need it.

30                  MR. POLLOCK: They show by affidavit that is





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Toronto, Ontario

1273

1 sworn that says certain activity is occurring that there is  
2 some form of violation or damage and there are affidavits  
3 on these things, but I don't know whether you cross-examine  
4 on them.

5 MR. BIALLARGEON: This is our problem. They in-  
6 dicate to the courts these things have taken place and we  
7 have no knowledge of them.

8 MR. POLLOCK: Assuming you get to the stage that  
9 an injunction is granted and there are four pickets or five  
10 a gate, whatever the going rate happens to be, and you have  
11 the people to communicate the information of what is going  
12 on, and people go to the gate knowing there is a strike  
13 but still are going in. Are you suggesting if the injunc-  
14 tion hadn't limited the number of pickets there would be  
15 a different situation as far as those people are concerned?

16 MR. BIALLARGEON: I don't think in any I have  
17 known there has been any actual stopping of people going  
18 in, that I am aware of. I think in most cases the situation  
19 is basically new people coming into an area who are not  
20 used to an industrial type of situation which has the sup-  
21 port of any group of workers of a strike and certainly has  
22 an influence on the people. Whether they go into work or  
23 not, they have no real knowledge of what has taken place  
24 and why the people are on strike. They don't know manage-  
25 ment's relationship in that plant, they are new employees

26 MR. POLLOCK: How does the injunction relate to  
27 these people?

28 MR. BIALLARGEON: The injunction has, at least  
29 if we are unable to put people on picket -- the problem is  
30 not to interfere with them going in, that is not the





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Toronto, Ontario

1274

1 purpose of the picket line as such.

2 MR. POLLOCK: You have people come to the gate  
3 who don't know there is an injunction but they walk up and  
4 see four or five people at the gate marching up and down  
5 saying there is a strike which is permitted. They go to the  
6 gate and some decide to cross, some do not cross. We are  
7 only concerned about the ones that cross. How do you per-  
8 suade them not to cross and what has the injunction in re-  
9 lation to them?

10 MR. BIALLARGEON: I can elaborate on this part.

11 The fact there is support not only from that plant but the  
12 other segments of industry. The people realize there is  
13 more of a problem than just himself going in as a new em-  
14 ployee. I would realize there is a problem here. If I  
15 saw two or three people I might say a couple of people are  
16 mad at the company and they have left work, but if all the  
17 employees are permitted to strike, say two or three hun-  
18 dred, why shouldn't they be able to demonstrate that two  
19 or three hundred of them are on strike?

20 MR. POLLOCK: What if you put on your sign that  
21 two or three hundred people are out on strike?

22 MR. BIALLARGEON: Do you think that would have  
23 the same effect?

24 MR. POLLOCK: That would have the same effect as  
25 indicating to the people how many are on strike. There is  
26 no quarrel a larger number of people would in some cases  
27 be extremely more effective. The larger the battalions  
28 the more persuasive you are. I use persuasive in quotation  
29 marks. I am trying to find out where there is any commun-  
30 icative aspect to the large number or whether another





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Toronto, Ontario

1275

1 aspect to it.

2 MR. BIALLARGEON: Ours is mostly communicative.

3 MR. POLLOCK: How does the injunction affect that  
4 feature? What if in the strike there is no injunction?

5 MR. BIALLARGEON: I don't believe -- this is a  
6 broad question you are asking.

7 MR. POLLOCK: Let me put some figures to you as  
8 far as the auto workers are concerned and certified other  
9 than Chrysler. In reading from the report on the State of  
10 Labour Injunctions in Ontario, by Dean Carruthers, he says:

11 "In 1958 the auto workers were in five strikes  
12 with one injunction. In 1959, sixteen strikes  
13 and one injunction. In 1960, five strikes and  
14 no injunctions. In 1961, twelve strikes with  
15 three injunctions. In 1962, ten strikes with  
16 three injunctions. In 1963, seventeen strikes  
17 with no injunctions. In 1964, twenty strikes  
18 with four injunctions. In 1965, thirty strikes  
19 with four injunctions."

20 So you had sixteen injunctions in 30 - 77 - 89 - in over  
21 one hundred and twenty strikes you had sixteen injunctions.  
22 Now, the injunction isn't the only thing that causes you  
23 to lose a strike is it?

24 MR. BIALLARGEON: No, we found it has a great  
25 influence on it.

26 MR. POLLOCK: It would only influence the sixteen.

27 MR. BIALLARGEON: Maybe some of the pressures --  
28 obviously a large automobile plant you can have an in-  
29 junction but what will it serve you? You can't pick up  
30 ten thousand people, but where you have a problem is in a





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Toronto, Ontario

1276

1 small town with small managements.

2 MR. POLLOCK: Where the people in the community  
3 are prepared to go to work at the wages the company will  
4 pay?

5 MR. BIALLARGEON: Yes, but it is not always wages  
6 that cause a strike, sometimes that is secondary. It is  
7 just a matter of if you have a number of people -- if I saw  
8 my neighbour on the picket line and I am getting a job --  
9 I would have the tendency not to cross because I would be  
10 embarrassed.

11 MR. POLLOCK: In a small town you would know  
12 your neighbour when there is a strike.

13 MR. BIALLARGEON: I would be tempted to cross the  
14 picket line if he wasn't there.

15 MR. POLLOCK: You don't think he would find out  
16 sooner or later?

17 MR. BIALLARGEON: It is making that first step.

18 MR. POLLOCK: You say crossing once is the answer?

19 MR. BIALLARGEON: Once they cross they have com-  
20 mitted themselves, but once they commit themselves to sup-  
21 port the strike then I think it has the reaction that they  
22 wouldn't tend to go back, but once they make the initial  
23 step I find very few people are prepared to admit they made  
24 a mistake.

25 MR. POLLOCK: Do you have to have the whole  
26 neighbourhood out?

27 MR. BIALLARGEON: I would say management intended  
28 to put a work force in there and this is what the union  
29 would request, that all the members go out and protect their  
30 own employment and protect what they have organized for.





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Toronto, Ontario

1277

1                   MR. POLLOCK: Really you lack the support of non-  
2 union people in the community who want to get a job, where  
3 the pay is better than what they are getting now.

4                   MR. BIALLARGEON: Or a part-time job. It is  
5 difficult because of communications to get the problem when  
6 we talk small towns. I am not talking one thousand people  
7 but towns of twenty-five thousand. Sometimes the papers  
8 of course have a way of slanting the issues and you try and  
9 get your story across and try to get the papers to see your  
10 side of the story. You don't always get it that way. It  
11 is not just a matter of getting the information to the  
12 general public.

13                  MR. POLLOCK: What particular information do you  
14 communicate on a picket line?

15                  MR. BIALLARGEON: When you call a strike you have  
16 certain procedures to go through. You hold a meeting and  
17 submit to the committee certain abuses or conditions that  
18 must be corrected. When you meet with these people they  
19 are aware of it. If I was talking to you about a condition  
20 of oily floors, an outsider might say, "This is sort of a  
21 bad thing to me if I don't know what is going on in the  
22 plant." They may say they have worked in worse positions  
23 than that. So how do you really tell an individual who is  
24 not familiar with what is going on? When he gets in there  
25 he might be in agreement with you and be prepared to join  
26 you but he may find this out too late.

27                  MR. POLLOCK: How do you expect to tell him that  
28 at the picket line?

29                  MR. BIALLARGEON: By the communication of the  
30 workers. They are gathered around and they find people to





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1278

1 talk to. Maybe I may have gone to school with you for  
2 years and I might meet with you and talk to you. I think  
3 I could influence you, especially if there is some under-  
4 standing and respect for one another.

5 THE COMMISSIONER: Is it right to say you place  
6 a very high value on the effectiveness of the picket line?

7 MR. BIALLARGEON: Certainly.

8 THE COMMISSIONER: Is it the most potent factor  
9 in a strike?

10 MR. BIALLARGEON: Again it depends on the indus-  
11 try. In these strikes we have listed in the industry, the  
12 picket lines don't matter too much one way or the other.  
13 It so happens they were there. These strikes were not lost  
14 as a result of an injunction.

15 THE COMMISSIONER: Are you talking about Rigley  
16 Steel?

17 MR. BIALLARGEON: There was an agreement reached  
18 and Johnstel went out of business. At Bendix Eclipse  
19 there was a settlement reached, even though the injunctions  
20 and these three were referring to the way the injunctions  
21 were used. Actually there wasn't any mass picket line to  
22 start off with. There wasn't any intimidation and no  
23 danger to property, none existed, yet the injunctions were  
24 granted.

25 MR. POLLOCK: How many pickets did the injunctions  
26 provide; let us talk Rigley for the moment?

27 MR. BIALLARGEON: There are forty employees who  
28 work at Rigley Steel and seven on the picket line they put  
29 up there. There would be women working there and they  
30 wouldn't picket in the evening.





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Toronto, Ontario

1279

1 MR. POLLOCK: How many pickets would you have at  
2 the plant at any time?

3 MR. BIALLARGEON: Two or three at a gate.

4 MR. POLLOCK: What did the injunction do to that?

5 MR. BIALLARGEON: Nothing.

6 MR. POLLOCK: It didn't change the picket?

7 MR. BIALLARGEON: Why would the courts issue the  
8 injunction?

9 MR. POLLOCK: When you say the injunction per-  
10 mitted the company to hire new employees, that is not  
11 really a fact, is it?

12 MR. BIALLARGEON: It didn't result in that.

13 MR. POLLOCK: If anybody was hired there they  
14 crossed the line, or were there a number of people who were  
15 there before the injunction was granted?

16 MR. BIALLARGEON: I am not sure of that. To ex-  
17 plain it, this plant is two plants within one. One could  
18 get access from one plant to the other. It was a matter  
19 of going through one room to another room, so no real at-  
20 tempt by the union to stop or prevent anybody from entering.  
21 What we are trying to bring to your attention is the fact  
22 the companies are able to get injunctions so easily, where  
23 the unions are not given opportunity to go before the  
24 court to explain none of the things exist and they should  
25 not be granted an injunction.

26 MR. POLLOCK: That modifies your submission then.  
27 That is a procedural question you are asking. Now your  
28 quarrel is that the injunctions are being obtained on in-  
29 adequate material and not giving the union an opportunity  
30 to appear and deny these type of things. You are not





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Toronto, Ontario

1280

1 saying the injunctions are as you said here, permitting  
2 the company to hire new employees and they are the undemo-  
3 cratic enforcement of the employer's will.

4 MR. BIALLARGEON: On these three examples I am  
5 trying to bring your attention to, or situation, this is  
6 why I have Mr. Logan here and he will give you some examples  
7 that brought about the situation we are concerned about.  
8 There has to be a change in the way injunctions are granted.

9 MR. POLLOCK: That is set out in the Johnstel  
10 thing when you say the injunction can be obtained at the  
11 flip of a nickel. Rigley Steel is another example and is  
12 not the question that the injunctions permit the employment  
13 of strike breakers.

14 MR. BIALLARGEON: It didn't have that effect.

15 MR. POLLOCK: At Bendix when the injunction was  
16 served, you state you had to work.

17 MR. BIALLARGEON: Where do you read this?

18 MR. POLLOCK: The second line on Page 6 says,  
19 "At Bendix Eclipse on March 9th, 1965, an injunction was  
20 served to prevent the employees from striking."

21 MR. BIALLARGEON: Yes, the question there, was  
22 this is what they told them because they claimed this  
23 would ruin their property and they had to have the heat  
24 and power to keep the plants going. In effect these people  
25 were part of the Bendix bargaining unit, but were not on  
26 strike, they were actually working. The union had agreed  
27 the employees would remain at work because they realized  
28 the condition that would exist if they had no heat and  
29 water in winter.

30 MR. POLLOCK: So the power house employees didn't





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1281

1 go on strike?

2 MR. BIALLARGEON: No, they voted to go on strike  
3 but the union and company came to an agreement they would  
4 be permitted to work, but they still went to the courts and  
5 got the injunction.

6 MR. POLLOCK: It was really an embodiment of an  
7 agreement that had been concluded before by the union and  
8 employer and is quite sensible. If the power house shuts  
9 down the plant could be damaged.

10 MR. BIALLARGEON: Yes, but again where there were  
11 four pickets per gate when they went to court, the court  
12 said they would be permitted three.

13 MR. POLLOCK: The injunction limited you to three  
14 pickets?

15 MR. BIALLARGEON: Three, instead of four.

16 MR. POLLOCK: Yet you say the injunction forbids  
17 all picketing.

18 MR. BIALLARGEON: After the hearing -- it forbade  
19 all picketing but after the hearing they had permission to  
20 have three, but during the period of time they forbade all  
21 picketing. Again we are only bringing this to the attention  
22 of the commission and that is the question of how they are  
23 served. We don't have an opportunity to explain our pos-  
24 ition to anyone.

25 THE COMMISSION: What notice do you think you  
26 ought to have?

27 MR. BIALLARGEON: I think before an injunction  
28 is issued -- of course we are opposed to injunctions -- but  
29 there should be a hearing to make a company substantiate  
30 its position that they need an injunction. The company





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Toronto, Ontario

1282

1 should be in a position to substantiate their position.

2 THE COMMISSIONER: How much notice of an appli-  
3 cation do you think you ought to require? Suppose you have  
4 half a dozen men, it wouldn't take very long to gather them  
5 together and go to a courthouse would it?

6 MR. BIALLARGEON: Depending on the situation.

7 Every situation is so different, depending on the legal  
8 aspects and what is involved.

9 THE COMMISSIONER: It is only a question of facts  
10 as to what you are doing on the picket line. Suppose you  
11 compel the employer to bring not affidavits but live wit-  
12 nesses to the court, and you are notified to do the same  
13 thing. What complaint would you have there, if any?

14 MR. BIALLARGEON: At least it would give us some  
15 equality on the problem. I am only saying the question  
16 of the injunctions we feel serves no useful purpose, but  
17 these abuses are so flagrant we feel we can't understand  
18 them. There is no logical explanation for why these kind  
19 of injunctions were served by the courts.

20 THE COMMISSIONER: I think we will take ten min-  
utes rest to see if we can revive some of our memories.  
21

22 ---Short recess.

23  
24 MR. POLLOCK: I have been advised, Mr. Logan,  
25 rather belatedly that you have another engagement shortly.  
26 Chronologically the next sequence is your portion, I take  
27 it on the construction industry. Perhaps we could turn to  
28 that, it is now fourteen minutes to twelve.

29 MR. LOGAN: Our picket problem is we don't have  
30 the luck of the factories to get injunctions. They restrict





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1283

1 us. We have tried in the past few years a system of pick-  
2 eting which has always resulted in an injunction. We have  
3 tried putting signs up and not carrying them and they have  
4 been taken away. We have even put them in cars across the  
5 road and still we get served with injunctions.

6 MR. POLLOCK: In what circumstances are picket  
7 lines put up?

8 MR. LOGAN: Non-union companies come in from out  
9 of town.

10 MR. POLLOCK: Not clearly within the legal terms  
11 of the Labour Relations Act in the sense you are not the  
12 certified bargaining agent?

13 MR. LOGAN: In many cases they come in for a month  
14 or two months and by the time you try to certify them they  
15 are gone. This is our biggest problem and in many cases  
16 they go on year after year. One case involves myself at  
17 the Union Gas, where we have union people on the job. We  
18 were served with an injunction there since May of 1965.

19 MR. POLLOCK: What are they building at Union  
20 Gas?

21 MR. LOGAN: The new Union Gas building in Chatham.

22 MR. POLLOCK: A building?

23 MR. LOGAN: Yes.

24 MR. POLLOCK: How long -- I take it it is a large  
25 building and involves a considerable length of time?

26 MR. LOGAN: Yes, but it was a union shop and non-  
27 union people appeared and our people left the job.

28 MR. POLLOCK: It is a union shop in the sense  
29 that there was an agreement?

30 MR. LOGAN: Oh, yes.





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Toronto, Ontario

1284

1 MR. POLLOCK: An agreement between who?

2 MR. LOGAN: The general contractor.

3 MR. POLLOCK: And who? The Building Trades Union?

4 MR. LOGAN: The Building Trades Union.

5 THE COMMISSIONER: This is a matter of crafts,

6 is it?

7 MR. LOGAN: Yes.

8 THE COMMISSIONER: Did the crafts in question  
9 have a contract with the general contractor?

10 MR. LOGAN: That is right.

11 THE COMMISSIONER: And what did the contract pro-  
12 vide about the sub-contracting?

13 MR. LOGAN: At that time I don't think it was  
14 clear. I don't think it had anything, at that time, that  
15 everybody had to be union. It said all carpenters on the  
16 job must be union.

17 MR. POLLOCK: And were they all union?

18 MR. LOGAN: That is right.

19 THE COMMISSIONER: So it was simply a case of  
20 you had not extended the provision that the general con-  
21 tractor would be prevented in employing non-union men?

22 MR. LOGAN: But all building trades are the same.  
23 Their agreements are individual but all the same. The  
24 people on the job who are non-union would go under the  
25 Labourers' Agreement, but in this case the company had a  
26 sub-contractor who sublet it to a non-union firm. We are  
27 still fighting this case in court and it has been going on  
28 since May of 1965. It appeared in Toronto many times.

29 THE COMMISSIONER: Did you ever propose there  
30 would be a provision to require all subcontracting to be





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Toronto, Ontario

1285

1 done by union men?

2 MR. LOGAN: We have that in our agreement now.

3 At that time we did not.

4 THE COMMISSIONER: Since this matter went to  
5 court?

6 MR. LOGAN: Yes.

7 MR. POLLOCK: Any difficulty since then?

8 MR. LOGAN: Yes, right now.

9 MR. POLLOCK: What are the facts of the situation?

10 MR. LOGAN: It seems that the company has sublet  
11 the wrecking of a building to another company who is non-  
12 union, as far as we are concerned.

13 MR. POLLOCK: What does that mean?

14 MR. LOGAN: It is not a recognized Building  
15 Trades Local.

16 MR. POLLOCK: What union is it?

17 MR. LOGAN: Christian Reform.

18 THE COMMISSIONER: What do you mean, you mean  
19 your craft does not recognize it?

20 MR. LOGAN: That is right.

21 THE COMMISSIONER: Is it a union group?

22 MR. LOGAN: They say they are.

23 THE COMMISSIONER: Are they certified?

24 MR. LOGAN: I think they are. I don't know in  
25 this case whether they are or not. They are in Hamilton.

26 THE COMMISSIONER: But they are not a company  
27 union or anything like that?

28 MR. LOGAN: Not that we know of.

29 THE COMMISSIONER: They did not interfere with  
30 your work?





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1286

1           MR. LOGAN: Yes, this is work normally done by  
2 our people.

3           THE COMMISSIONER: And they didn't belong to your  
4 group?

5           MR. LOGAN: The labourers in general.

6           THE COMMISSIONER: You belong to the Carpenters'?

7           MR. LOGAN: Yes, but when we talk with the gen-  
8 eral contractors they sign with the labourers, carpenters,  
9 bricklayers and cement finishers. Those are who we sign  
10 with jointly.

11          THE COMMISSIONER: That means the contractor will  
12 employ only union men in those crafts? You don't touch  
13 the sub-contractor?

14          MR. LOGAN: Oh, yes, it is in our agreement they  
15 must be union people belonging to the Essex County Trades  
16 Council.

17          THE COMMISSIONER: That is not carried out by the  
18 contractor?

19          MR. LOGAN: That is right.

20          THE COMMISSIONER: Have you tried to compel him  
21 to do it?

22          MR. LOGAN: We had a meeting yesterday and he  
23 wants to take it to arbitration, but by that time he could  
24 finish the job.

25          MR. POLLOCK: His employees want, obviously --  
26 perhaps they are certified -- want to belong to the  
27 Christian Reform or Christian Labour Congress or whatever;  
28 they are union and the membership of that union are em-  
29 ployees of this sub-contractor?

30          MR. LOGAN: That is right.





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Toronto, Ontario

1287

1                   MR. POLLOCK: Well, they have indicated to that  
2 union they want them to do the bargaining on their behalf  
3 with that employer, and your position is that union should  
4 not be employed at the construction job because your con-  
5 tract with the employer says he is only to employ Essex  
6 County and District Building Trade Unions?

7                   MR. LOGAN: Right.

8                   THE COMMISSIONER: You want to exclude everybody  
9 outside of your county?

10                  MR. LOGAN: No, we are saying in this case. This  
11 has happened before where an injunction is granted forcing  
12 our people to stay on the job and working with these people  
13 in many cases. We are saying we should have the right to  
14 decide whether we want to work or not.

15                  THE COMMISSIONER: If they are unionists and  
16 accept the principle of trade unions, why should you re-  
17 quire further qualification?

18                  MR. LOGAN: Under our agreement. It is in there.

19                  MR. POLLOCK: As a philosophical question, why?  
20 I can point to all kinds of cases where there is difficulty  
21 between the International Association of Machinists and  
22 Auto Workers in aircraft plants arguing back and forth.  
23 Periodically you find one is certified and the next time  
24 around they manage to get the others certified. You aren't  
25 suggesting the Auto Workers and International Association  
26 of Machinists would say, "We will picket all the products  
27 out of the plant because you haven't got our union." They  
28 don't do that, do they?

29                  MR. LOGAN: No.

30                  THE COMMISSIONER: Why is there so much





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1288

1 hostility between unions? I thought you were all working  
2 for the benefit of the mass of people who are working? Cer-  
3 tainly all of us here today are workers. Why do you main-  
4 tain the attitudes of hostility?

5 MR. LOGAN: I think it is probably the trades in-  
6 volved. We have these people under certification and then  
7 these other people come in and take our work, and the com-  
8 pany isn't satisfied with that, they get a restraining order  
9 to keep us at work.

10 THE COMMISSIONER: You could work for the same  
11 sub-contractor they do.

12 MR. LOGAN: Not so.

13 MR. POLLOCK: Why?

14 MR. LOGAN: Our contract says they must be mem-  
15 bers of our local.

16 MR. POLLOCK: But you could organize those people

17 MR. LOGAN: No doubt we could.

18 MR. POLLOCK: Why don't you?

19 MR. LOGAN: They don't come from around here. In  
20 many cases they come from Toronto.

21 THE COMMISSIONER: They are all looking for work  
22 to make a livelihood.

23 MR. POLLOCK: Is that local based in the Windsor  
24 area?

25 MR. LOGAN: No, I think they come from Hamilton.

26 MR. POLLOCK: Do they work at cheaper rates?

27 MR. LOGAN: Oh, yes.

28 MR. POLLOCK: They are satisfied to work at  
29 cheaper rates?

30 MR. LOGAN: In many cases they are.





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1289

1                   MR. POLLOCK: The fact they are working means  
2 they are relatively satisfied.

3                   THE COMMISSIONER: Is it a substantial reduction  
4 from your level?

5                   MR. LOGAN: Up to about a year ago it was. I  
6 don't know what their new contract says.

7                   THE COMMISSIONER: If they came up to your level  
8 would you take the same position?

9                   MR. LOGAN: That is hard to say.

10                  THE COMMISSIONER: You believe in open competition  
11 don't you?

12                  MR. LOGAN: To a certain extent.

13                  MR. POLLOCK: This is a situation where you have  
14 another union and the employees are happy with the union  
15 and they are working -- certified I assume -- for a par-  
16 ticular contractor and a sub-contractor, and you are res-  
17 tricting that sub-contractor from working in this area be-  
18 cause he doesn't employ members of your union. It is not  
19 the question that he employs non-union men, but because he  
20 employs people for whom you do not have the right to neg-  
21 otiate your collective bargaining rates?

22                  MR. LOGAN: That is right.

23                  THE COMMISSIONER: And you think you should  
24 strike and hold up construction on that fact?

25                  MR. LOGAN: In many cases they don't strike, they  
26 just sit down.

27                  MR. POLLOCK: They just sit down? What is the  
28 difference?

29                  MR. LOGAN: They usually picket and walk back  
30 and forth.





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1290

1                   THE COMMISSIONER: I am asking you as a matter of  
2 important principle, these are all union men, that is to say  
3 they have accepted the principles of the organization of  
4 workers, and yet you really attempt to exercise your so-  
5 called economic power against them. They have to live as  
6 well as you.

7                   MR. BIALLARGEON: I think the question here is  
8 one you can't simplify in that degree. They sit down and  
9 negotiate in an area to do certain things. They have an  
10 agreement, but what happens, the contractor goes to some  
11 other area and is interpreting the contract as long as they  
12 are union he can bring them in. We have no way of negot-  
13 iating their rate or their methods on the job.

14                  THE COMMISSIONER: By the very nature of your own  
15 contract you exclude them, although they are union people?

16                  MR. LOGAN: We exclude them based upon the con-  
17 tract.

18                  THE COMMISSIONER: But in making the contract  
19 with the contractor, you deliberately exclude them by the  
20 language you use, by your own interpretation of the language.  
21 That is what bothers me. Why are you not willing to com-  
22 pete with men who stand for the same working principles?

23                  MR. BIALLARGEON: It is a matter of competition.  
24 It depends on how you handle the competition. It is simple  
25 for anyone to say we will organize people in a union, but  
26 it is what is involved. A group of people would negotiate  
27 in certain areas for less wages and different working con-  
28 ditions than people who negotiate in this area. In some  
29 cases I would object on the basis these people may not be  
30 working under safe conditions plus the fact they will not





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1291

1 work under the same contract and methods of our construction  
2 people.

3 MR. POLLOCK: You want to protect them for them-  
4 selves?

5 MR. BIALLARGEON: It is to protect myself. I am  
6 the one on the job. They are causing the problem to me.

7 THE COMMISSIONER: You are doing the simplification  
8 now, because we do have such things as raiding.

9 MR. BIALLARGEON: This is done.

10 THE COMMISSIONER: What is the principle of it?

11 MR. BIALLARGEON: I am not going to argue that  
12 with you.

13 THE COMMISSIONER: I am asking from you a state-  
14 ment of principle where you really declare war against the  
15 very action you yourself would think is necessary for the  
16 protection of the working man.

17 MR. BIALLARGEON: I would have to agree with you.

18 MR. POLLOCK: I see in the brief an employer  
19 hires non-union labour below standard wages. There is merit  
20 in that argument if this is your complaint.

21 MR. LOGAN: In many cases it is. We had a car  
22 parked with a big sign saying this and they got an injunction  
23 against us.

24 MR. POLLOCK: Did you have an agreement?

25 MR. LOGAN: No.

26 MR. POLLOCK: Were you certified?

27 MR. LOGAN: The job would have been finished by  
28 the time we got certification.

29 MR. POLLOCK: How long did the work last?

30 MR. LOGAN: The carpentry work took twelve to





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1292

1 fourteen days. Maybe the labour work would have taken  
2 longer.

3 MR. POLLOCK: You are suggesting that the certi-  
4 fication procedure in the Labour Relations Act is too slow  
5 for carpenters in the construction industry, in most cases?

6 MR. LOGAN: That is right.

7 MR. POLLOCK: How do you suggest it be speeded up?

8 MR. LOGAN: They would have to shorten the days  
9 to --

10 MR. POLLOCK: To what level?

11 MR. LOGAN: A certification has taken about thirty  
12 days in many cases and before you get down to bargaining  
13 sixty days have gone by.

14 MR. POLLOCK: There is nothing in the brief but  
15 have you made any suggestion as to what tactics might be  
16 employed to speed that up? Could you have an informal ex-  
17 party certification subject to be ratified later on? Have  
18 you made any suggestions about that to anybody?

19 MR. LOGAN: Myself, no.

20 MR. BIALLARGEON: As you know, we make reference  
21 to the Building Construction Trade Council of Ontario and  
22 they have certain recommendations in there and we skirted  
23 around the question of the building trades because I don't  
24 know whether it has been presented to you yet, but it is  
25 quite lengthy.

26 MR. POLLOCK: In the building trades the recog-  
27 nized unions and some of the signatories to the agreement,  
28 let us call them the recognized employers, are happy with  
29 the arrangement. They have a closed relationship. It is  
30 the people who don't belong to the recognized unions or





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1293

1 the contractors who don't belong to the association who  
2 find themselves in a position they cannot cope with. Those  
3 are some of the problems. They are the people who want to  
4 bid on a job and can't because the job is marked union only.  
5 but their employees are very happy ostensibly being non-  
6 union employees because their rates, I assume, are satis-  
7 factory.

8 MR. BIALLARGEON: There are a lot of peculiari-  
9 ties in the construction trade. Many go out of business,  
10 they are fly-by-night types, and are out of business in a  
11 short period of time. This is a peculiar part of the trade  
12 group. A man might bring some relations in and set up a  
13 firm and try to underbid, but you will find the big con-  
14 struction companies carry on. I understand some five hun-  
15 dred construction companies go out of business every year  
16 but they are small firms, set up to take on a job of this  
17 kind. They are gambling they will come out all right.  
18 But another fellow who hopes he will make a living finds  
19 he can't compete. In the meantime the job is done at a  
20 cheaper rate.

21 THE COMMISSIONER: Would you suggest there is any  
22 difference in the skill and efficiency of this kind of  
23 company?

24 MR. BIALLARGEON: I would say in some cases there  
25 would be. Most of the construction workers stay year in  
26 and year out. They work in a union shop because of the  
27 advisability of the protection. There are many cases in  
28 the city where a construction company cannot meet its ob-  
29 ligations, and the employees are staying hoping to be paid.  
30 What is a fellow to do? He hopes he is going to get his





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1294

1 pay but if there is no union he may get stuck.

2 MR. POLLOCK: Are there any companies that go  
3 bankrupt that have a union?

4 MR. BIALLARGEON: I think the union is able to  
5 step in before the employee puts too many hours in. We  
6 have some situations where the operation was actually shut  
7 down because the construction company could not meet its  
8 obligations, but if there is no union he would have tried  
9 to fight his way out of it hoping to come out with some  
10 success.

11 MR. POLLOCK: The people involved don't get any  
12 more money, they do less work.

13 MR. BIALLARGEON: They came off the job and  
14 worked less hours.

15 MR. POLLOCK: If they had worked at that job in  
16 the vain hope of being paid they wouldn't be any richer  
17 in the one case or the other. If they could get a job at  
18 another place where the chances of getting paid are better  
19 and the chances of getting paid on this job are pretty slim,  
20 how fast do you think they would transfer?

21 MR. BIALLARGEON: Depending on the availability  
22 of work.

23 THE COMMISSIONER: I want to be clear on this.  
24 Have you ever tried to draw into your union men situated  
25 as this particular group is? Have they joined your union?

26 MR. LOGAN: Oh, yes.

27 THE COMMISSIONER: Is there any objection on  
28 their part to it?

29 MR. LOGAN: No.

30 THE COMMISSIONER: Why don't you take them in?





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1295

1           MR. LOGAN: In this case they wouldn't come to  
2 us, they would have gone to the labourers.

3           THE COMMISSIONER: I don't quite understand what  
4 you mean.

5           MR. LOGAN: They are doing different work. One  
6 is a carpenter and one a labourer.

7           THE COMMISSIONER: They must be trying to do your  
8 work or you wouldn't stop them. You just won't work along-  
9 side them?

10          MR. LOGAN: That is right.

11          THE COMMISSIONER: And yet you recognize they  
12 have a continuing union. It is not a fly-by-night, is it?

13          MR. LOGAN: I don't know too much about them to  
14 tell you the truth.

15          THE COMMISSIONER: You don't base your hostility  
16 on ignorance, do you?

17          MR. LOGAN: No.

18          THE COMMISSIONER: Why are you hostile to them  
19 if you don't know anything about them?

20          MR. LOGAN: I think it is they who are hostile  
21 to us. They are the people who got the injunction, not us.

22          THE COMMISSIONER: Is it the geographical area  
23 that creates the trouble? Do you want a monopoly, and I  
24 don't mean that in a broad sense, the monopoly to work in  
25 your constituency?

26          MR. LOGAN: Providing the contractor has a con-  
27 tract with us, yes.

28          THE COMMISSIONER: I am talking about what you  
29 want before you enter a contract. You want to monopolize  
30 the work in a geographical area?





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1296

1 MR. LOGAN: That is right.

2 THE COMMISSIONER: And these people are outside  
3 it?

4 MR. LOGAN: Right.

5 THE COMMISSIONER: That is why you are opposed to  
6 them?

7 MR. LOGAN: Right.

8 MR. POLLOCK: What about the other local and  
9 trades construction unions, the members of another local,  
10 can they come in here and work?

11 MR. LOGAN: Oh, yes.

12 MR. POLLOCK: Do they have to get a permit?

13 MR. LOGAN: They usually transfer in.

14 MR. POLLOCK: So there is another difficulty. It  
15 is not the fact a fellow comes from Hamilton?

16 MR. LOGAN: No.

17 THE COMMISSIONER: That is the cause of your  
18 making an agreement with the contract, isn't it? You want  
19 to exclude the outside contractors, you admitted that a  
20 moment ago.

21 MR. LOGAN: I would say we want them to belong to  
22 our local and we negotiate the contract for them.

23 MR. POLLOCK: Now, on the eighth page in the  
24 concluding paragraph of the Construction Industry it says,  
25 "Injunctions, in our view, have no place in labour disputes.  
26 Instead, suitable legislation should be implemented that  
27 will enable problems that arise to be dealt with through  
28 the medium of the Labour Relations Board in a democratic  
29 manner commensurate with the times we live in." Will you  
30 tell me what that means?





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1297

1                   MR. BIALLARGEON: The question, first of all,  
2 what we outlined prior to our previous discussion, if an  
3 injunction should be served first of all there has to be  
4 proof an injunction is needed, and if there should be a  
5 right to strike the worker should be given the same pro-  
6 tection as the people who serve the injunction, by the  
7 people who have police protection. The police have to act  
8 as strike breakers. They don't have to act to preserve  
9 peace on the picket line, they appear there to protect the  
10 people interested in going in the plant. Yet, there are  
11 many instances in the picket line where they are almost  
12 run down by the management because they can't wait for the  
13 picket line to go by.

14                  MR. POLLOCK: Don't the police ever break the  
15 picket line and let cars go through, don't they exercise  
16 that right?

17                  MR. BIALLARGEON: In some cases.

18                  MR. POLLOCK: If you are a pedestrian walking in  
19 front of a car do you keep walking and get run down? You  
20 don't do that. A person picketing a plant doesn't step in  
21 front of a car going through.

22                  MR. LOGAN: You have situations where the manage-  
23 ment people drive right through without stopping or slowing  
24 down.

25                  MR. POLLOCK: The picket line is not supposed to  
26 prevent people going in and out.

27                  MR. LOGAN: No, but they are there on a legitimate  
28 picket line and the management people take the approach  
29 they are infringing on some of their rights, and take the  
30 attitude if they get in the way they will run over them.





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1298

1 We have many who take that position. The strikers aren't  
2 protected from this type of situation, because we have not  
3 heard any police come up for their protection. We think  
4 if we have the right to strike, we should have the same  
5 protection as the person who wants to go in, because this  
6 must be the law as you have given the people the right to  
7 strike.

8 MR. POLLOCK: You are protected if you are walk-  
9 ing on the sidewalk. You are protected in the same manner  
10 as if a pedestrian. You have the same protection from the  
11 law.

12 MR. BIALLARGEON: There is some question of the  
13 difference between public property and company property.

14 MR. POLLOCK: Even if some one intentionally ran  
15 you down on company property you wouldn't have too much  
16 difficulty in court.

17 MR. BIALLARGEON: Intentionally?

18 MR. POLLOCK: Accept the point of view that the  
19 police are there to protect the people who need protection  
20 most. The people going through the line, as far as vio-  
21 lations are concerned. If you have large pickets and large  
22 numbers of people crossing lines, they could start pushing  
23 and shoving or have a pitched battle.

24 MR. BIALLARGEON: Everybody would be happy if  
25 everybody went home.

26 MR. POLLOCK: Maybe that is the solution, every-  
27 one should go home.

28 MR. BIALLARGEON: If, under the law, we are given  
29 the right to strike --

30 THE COMMISSIONER: What do you think that right





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1299

1 means?

2 MR. BIALLARGEON: I know what it should mean.

3 THE COMMISSIONER: What do you think it means to  
4 strike?

5 MR. BIALLARGEON: It means I have the right to  
6 withdraw my labour.

7 THE COMMISSIONER: You deprive the employer of  
8 your labour. You have the right to abstain from giving  
9 that. We are not slaves, you know, but beyond that --

10 MR. BIALLARGEON: I am suggesting as well as the  
11 employer has invested his money I have invested a bit with  
12 the employer. If I exercise the right to strike, my equity  
13 should be protected as well as his.

14 THE COMMISSIONER: The question is, what do you  
15 mean by that? What is the actuality of what you claim?  
16 Let me read from your brief because I think it is always  
17 beneficial that we say what we think and what we mean. You  
18 say here and this was in the Johnstel case, "In fact the  
19 union was quite prepared to co-operate on the matter of  
20 the dies had it been contacted." What did you have in mind  
21 in the way of co-operation in getting a few dies out of the  
22 shop?

23 MR. BIALLARGEON: There wouldn't have been any  
24 objection on our part and no need of an injunction.

25 THE COMMISSIONER: You wouldn't claim a right to  
26 prevent people going in and out of the gate of that shop?

27 MR. BIALLARGEON: We were saying the company by  
28 introducing the injunction did not.

29 THE COMMISSIONER: You were prepared to co-operate  
30 in what way?





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1300

1                   MR. BIALLARGEON: Our pickets were not there for  
2 the purpose of interfering.

3                   THE COMMISSIONER: If that is your understanding  
4 I would agree with you, but the implication of that is not  
5 co-operation, it implies you really could have stopped it  
6 if you wanted to but that you are ready to co-operate. All  
7 I am trying to get at is the exact area of action in which  
8 you think a strike should entitle you to act.

9                   MR. BIALLARGEON: I think the fact we have had  
10 strikes and large strikes are protected because of the big-  
11 ness and the employer is not able to get the people in.  
12 Why because I belong to a small company should I not have  
13 the same equity and not given the same leverage by law.

14                  THE COMMISSIONER: Not by law, it is the economic  
15 factor.

16                  MR. BIALLARGEON: Why should that be? Why, if I  
17 have the right to live and have all the things, why do I  
18 have to have something less than somebody else has? The  
19 point is the people have joined together in protest of the  
20 management's abuses.

21                  THE COMMISSIONER: If they are strong enough to  
22 support the demands they will win.

23                  MR. BIALLARGEON: After the police show up and  
24 appear to be using their influence, to the general public -  
25 in other words in effect, when a policeman appears they  
26 are lending their weight to the management, this is what  
27 the average person would think. If you see law enforcement  
28 you naturally draw that conclusion. We are not talking  
29 about a lot of people familiar with the unions as such.  
30 Most of the people who get involved never did belong to a





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1301

1 union. They come from parts of the country not familiar  
2 with the situation and they see the police there and they  
3 naturally think these people are in violation of the law  
4 to some extent. If they go to a job and you have police  
5 protection it would appear you have a legal means of going  
6 in. It is magnified by the fact you have policemen there.  
7 Why an injunction? Why does management use it if they  
8 have by law the right of protection, why use injunctions?

9 MR. POLLOCK: To prevent the abuses.

10 MR. BIALLARGEON: They never have to prove abuses.

11 MR. POLLOCK: In the vast majority of the in-  
12 junctions they were all either settled or the proceedings  
13 were abandoned. They never ever went to the question of  
14 proof and in many cases the unions never sought to cross-  
15 examine. Once you get an injunction, it is over and you  
16 can forget about it, pick up the pieces and go home, but  
17 you never get a chance to show anybody this injunction was  
18 obtained wrongly or the evidence wasn't there. You have  
19 to think for tomorrow not yesterday.

20 MR. BIALLARGEON: But the injunctions are granted  
21 without any hearing. I am being accused and haven't the  
22 right to appear.

23 MR. POLLOCK: That is in some cases. You are  
24 talking ex parte. A lot of injunctions are granted on no-  
25 ice where both the parties have notice of it.

26 MR. BIALLARGEON: The big problem we have had  
27 lately is the ex parte injunction, and without any notice  
28 it is suddenly slapped on us.

29 MR. POLLOCK: That can't last more than four days  
30 by law. In four days it must be lifted and I am advised





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1302

1 today even in ex parte injunctions, the union if available  
2 is notified of the hearing that comes up. It is a question  
3 of what you do when you get the notice. In a lot of cases  
4 like the Tilco case the continuation of that injunction  
5 was on consent. The parties agreed the injunctions would  
6 continue on those particular terms. That was the injunc-  
7 tion eventually breached. What do you do when you get  
8 notice?

9 MR. BIALLARGEON: The question is what do we do  
10 when we get the notice?

11 MR. POLLOCK: That is right. Do you fight it  
12 through? Is it determined by trial? Do you find if the  
13 evidence is fair? You said they were obtained without  
14 evidence but you have a chance to appear.

15 MR. BIALLARGEON: Yes, but usually the injunction  
16 for that period of time may seem short, but the short  
17 period of time has the effect of breaking the strike.

18 MR. POLLOCK: Why don't you attack the injunction  
19 on no evidence and demonstrate there wasn't any evidence?  
20 There hasn't been one case where the union took the pos-  
21 ition that it was going to demonstrate that this injunction  
22 was obtained on no evidence, or false evidence.

23 THE COMMISSIONER: I don't think you need to  
24 worry very much after this about getting notice, but when  
25 the notice is there, do you have anything to say? You can  
26 appear and have your witnesses who will have their say.

27 MR. BIALLARGEON: We would say the evidence is  
28 presented and the injunction would not be granted.

29 THE COMMISSIONER: You haven't any criticism  
30 of the fact that it is an instrument for the prevention





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1303

1 of damage? I am assuming you have been given notice and  
2 you are there and contesting.

3 MR. BIALLARGEON: If the courts limit the pick-  
4 eting when there is no violence, if they limit that part  
5 of it you are trying to say the injunction has been  
6 granted and we put a few picket lines in there. The prac-  
7 tice is if there is no violence we should have a mass  
8 demonstration to demonstrate there is a strike.

9 THE COMMISSIONER: What is your definition of a  
10 mass demonstration?

11 MR. BIALLARGEON: The employees involved in the  
12 strike have the right to demonstrate.

13 THE COMMISSIONER: That did not give me the pic-  
14 ture of what you mean.

15 MR. BIALLARGEON: What am I to say?

16 THE COMMISSIONER: Take five hundred men, where  
17 would you put them?

18 MR. BIALLARGEON: In some plants very easily.

19 THE COMMISSIONER: Where do you want them to get  
20 the mass?

21 MR. BIALLARGEON: If it is at the gate these  
22 employers are attempting to bring people in to work and  
23 take our jobs. We should have the right to demonstrate  
24 that these people should not come in.

25 THE COMMISSIONER: Do you peacefully mean to say  
26 this?

27 MR. BIALLARGEON: Yes.

28 THE COMMISSIONER: Do you block the entrance,  
29 you don't claim that?

30 MR. BIALLARGEON: I guess the law says you have





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1304

1 to move.

2 MR. POLLOCK: Do you talk to the people?

3 MR. BIALLARGEON: I don't think we should be pro-  
4 hibited.

5 MR. POLLOCK: Do you argue with them? You are  
6 a fellow who is on the picket line and I am going to cross.  
7 You say, "There is a strike on," and I say, "Thanks very  
8 much, I am going in, I want a job." What do you say?

9 MR. BIALLARGEON: I would probably say and try  
10 to explain what the conditions are. I wouldn't propose  
11 to tell you that physically we would throw you out.

12 MR. POLLOCK: Would you say something might be-  
13 fall him? Let us not underestimate the case. It is difficult  
14 enough to make communication without saying this is a tea  
15 party and we are all persuading him with rhetorical  
16 speeches about in unity there is strength and all those  
17 other things. It is not a magic that conveys something  
18 might befall this chap if he crossed. Somebody might sug-  
19 gest to you that your tires would be slashed or that some  
20 mysterious fellow would do all these things to you. That  
21 occurs, doesn't it?

22 MR. BIALLARGEON: I have not been involved but I  
23 have read where it has occurred. I don't want to be fencing  
24 with you and I am only trying to say what we think should  
25 be. I can't determine every individual if we get involved.  
26 Our people take care of any situation of that kind. We  
27 realize there has to be some law and order. It is basic  
28 that if we get involved we will be faced with probably  
29 limited pickets, which happens even in the United States  
30 where injunctions aren't being served holus bolus, but the





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1305

1 question is we want the right at least to say we want to  
2 appear on the picket line and let people know we can dem-  
3 onstrate and our jobs are at stake.

4 MR. POLLOCK: You have that right in one hundred  
5 cases and sixteen injunctions were granted. You have the  
6 right if you don't abuse it.

7 MR. BIALLARGEON: What cases weren't?

8 MR. POLLOCK: Surely if what you are advocating,  
9 or you want to do this, you must have done it in some of  
10 the one hundred cases. Just recently in Toronto there was  
11 a large demonstration at the Coleman plant, a directly  
12 chartered local of the Canadian Labour Congress, and only  
13 after several days of large numbers of people did anybody  
14 get an injunction.

15 MR. BIALLARGEON: Why did the Royal York people  
16 have an injunction served to eliminate mass picketing?  
17 Wasn't it a device to let the people know business could  
18 go on as usual? Business went on as usual.

19 MR. POLLOCK: Business went on as usual if you  
20 carried your bags and took your own lunch.

21 MR. BIALLARGEON: Were you in there? I would  
22 suggest this is what happens. If people could at least  
23 demonstrate, I am sure they would have more of an impact  
24 to the employer, and I am sure the employer would have  
25 sat at the bargaining table much sooner if the people  
26 could demonstrate in quantity, to show them. We get all  
27 these things thrown at us, that a few want to strike and  
28 the rest don't want, so let them demonstrate.

29 MR. POLLOCK: The fact they go off the job and  
30 don't go to work is probably a better demonstration to





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1306

1 management. Management makes a mistake when they say these  
2 people aren't going on strike. That mistake is shown up  
3 when there is nobody there.

4 MR. BIALLARGEON: An injunction isn't serving  
5 any purpose to either the union or company. Out of these  
6 hundred and sixteen strikes was there able to be shown any  
7 violence?

8 THE COMMISSIONER: I don't believe in raking up  
9 old sores but I remember an occasion in this city where  
10 the whole street was blocked with commandeered automobiles.  
11 Somebody has said a strike isn't a tea party and you agree  
12 we must have order in society. I don't know any greater  
13 beneficiaries of order than the group which are here today.  
14 We are working people but we want order. I doubt that you  
15 or any of us have not had occasion in the course of his  
16 life to be tricked by his neighbour and he would really  
17 like to give that neighbour what he deserves. We have all  
18 had that. Yet the law steps in and says, "No, you can't  
19 do that, you can have him punished but you will not be  
20 the executioner." You would extend that to life wouldn't  
21 you?

22 MR. BIALLARGEON: Of course.

23 THE COMMISSIONER: That is good, since it is  
24 the way we get civilization. It is not so long ago since  
25 we had the right to go into court and have our claims ad-  
26 judicated and the forces of our society in which we belong  
27 carry out the obligation of restoring to us what has been  
28 taken from us. Formerly the individual did that himself  
29 and he created chaos where society requires order. One  
30 should admit we must have order and then you get rid of





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1307

1 the fundamental conditions under which injunctions are  
2 issued. We must face the reality that when you have mass  
3 collection of human beings like that you set going forces  
4 that are generally beyond control.

5 MR. BIALLARGEON: Has that been general or just  
6 the odd occasion?

7 THE COMMISSIONER: I would say the history of  
8 North America and in England even today that you will re-  
9 member it was reported within the last three months, in  
10 the Ford plant in England five hundred policemen battled  
11 with a larger number of strikers at the gates of the es-  
12 tablishment. So we haven't got over that tendency to lose  
13 our self-control.

14 MR. POLLOCK: So far as the injunction is con-  
15 cerned, the conduct they prescribe you wouldn't quarrel  
16 with some of the items. If you don't participate in them  
17 they obviously don't hurt you. Preventing the employees  
18 from working, threatening, inflammatory statements, ob-  
19 structing, trespasses, and there are several other ones  
20 you wouldn't quarrel with which have been inserted in an  
injunction.

21 MR. BIALLARGEON: I say as suggested by the  
22 Chairman, violence no matter how it comes about, no one  
23 gains by it, whether labour or management or any part of  
24 society. The only problem we have is the question of the  
25 injunction being used in our situation. We find in most  
26 situations and one can always point to one that is neces-  
27 sarily so, but in most cases the injunctions were served  
28 when there was no violence, no threat, nothing was further  
29 from the fact, yet the injunctions were served ex parte.  
30





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Toronto, Ontario

1308

1                   MR. POLLOCK: Do you say they were falsely ob-  
2 tained? That there were false affidavits?

3                   MR. BIALLARGEON: They had to be. I don't imag-  
4 ine the courts would grant an injunction unless they were  
5 told this. We get the impression that someone just has to  
6 call the court and the injunction is served.

7                   MR. POLLOCK: Has there ever been a case pointed  
8 out in court that it was not valid material?

9                   MR. BIALLARGEON: I have no knowledge.

10                  MR. POLLOCK: There must be all kinds of cases  
11 where false material was used.

12                  MR. BIALLARGEON: The only one I can think of  
13 that did go to court is Bendix Eclipse. I have the Presi-  
14 dent from the local union here. There was a proceeding  
15 and obviously we haven't everything here in our own minds,  
16 but we do have officers of other unions who might clear up  
17 the point. The court did grant three pickets per gate.

18                  THE COMMISSIONER: Mr. Biallargeon, do you agree  
19 with this? Your purpose in a strike, a legitimate act on  
20 your part, is to bring about a cessation of work at your  
21 plant, isn't that it?

22                  MR. BIALLARGEON: Yes.

23                  THE COMMISSIONER: Once that is accomplished  
24 your object is accomplished?

25                  MR. BIALLARGEON: Primarily, yes.

26                  THE COMMISSIONER: In that accomplishment you  
27 must look first to the solidarity of your own group. They  
28 must hold together, must they not?

29                  MR. BIALLARGEON: Yes.

30                  THE COMMISSIONER: Are you troubled very much





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1309

1 by persons who do not agree with such a decision and go  
2 back into the shop?

3 MR. BIALLARGEON: Not too much.

4 THE COMMISSIONER: You might treat that as in-  
5 significant?

6 MR. BIALLARGEON: Right.

7 THE COMMISSIONER: What else is there that in-  
8 terferes with the success of a strike?

9 MR. BIALLARGEON: Primarily when the injunctions  
10 are served.

11 THE COMMISSIONER: Never mind the injunctions.  
12 You have a complete strike and the men are out. The work  
13 is at an end, is that the end of things?

14 MR. BIALLARGEON: It depends a lot on the em-  
15 ployer. You may have an employer who may be able to sit  
16 back in an advantageous situation where he may not be  
17 economically pressured into giving in to the agreement.  
18 There was a strike in the community where the employer put  
19 a proposal on the table and the employees accepted it and  
20 later he withdrew the proposal.

21 THE COMMISSIONER: Your instrument is the in-  
22 strument of cessation of work, that is all you have?

23 MR. BIALLARGEON: That is our power.

24 THE COMMISSIONER: The employer has the ability  
25 to endure. With a closed shop are you troubled by the  
26 importation of strike breakers?

27 MR. BIALLARGEON: The importation of strike  
28 breakers in this area, not too greatly.

29 THE COMMISSIONER: It can't take place in com-  
30 panies with large employment?





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Toronto, Ontario

1310

1 MR. BIALLARGEON: Not too effectively.

2 THE COMMISSIONER: Not effectively, so that be-  
3 comes a question for a more modest establishment. How  
4 many people would you say as a total number of employees  
5 could have substitutes brought in to maintain a substantial  
6 part of the work of a plant?

7 MR. BIALLARGEON: What work force could go on  
8 strike?

9 THE COMMISSIONER: Could be brought in from out-  
10 side?

11 MR. BIALLARGEON: It depends on the industry.  
12 A small industry --

13 THE COMMISSIONER: If it were highly skilled you  
14 couldn't do anything at all, unless you offered higher  
15 wages, so it reduces itself to unskilled labour?

16 MR. BIALLARGEON: Yes, where you can train people  
17 quickly.

18 THE COMMISSIONER: Would you venture to say  
19 what number of employees in an industry could result in  
20 the maintenance of the work with new employees?

21 MR. BIALLARGEON: We have known strikes with  
22 two or three hundred which have been broken within this  
23 area, but it depends on location, the locality of the in-  
24 dustry and so many variables.

25 MR. POLLOCK: And the availability of the  
26 labour market?

27 MR. BIALLARGEON: Where women are available,  
28 married women sometimes, there was a strike where there  
29 were three or four hundred people. The company got buses  
30 and drove all over the community and brought them in by





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Toronto, Ontario

1311

1 bus loads to divide the union.

2 THE COMMISSIONER: Would you put it at about two  
3 hundred approximately as the limit in which that could be  
4 done?

5 MR. BIALLARGEON: I would say two or three hun-  
6 dred. Again it has some variables.

7 MR. POLLOCK: The negotiations of collective  
8 agreements at the final stage, you just mentioned something  
9 about the company putting an offer to the union and the  
10 union saying yes, and the company taking it away. What  
11 about the converse to that situation where the union bar-  
12 gaining committee says yes, that is a good agreement, and  
13 then puts it to the membership and the membership won't  
14 take it. The membership may say, "We are at this level  
15 now add something more," and then you repeat the procedure  
16 over again and constantly build the plate. What do you  
17 think of the desirability of that technique?

18 MR. BIALLARGEON: I think what happens is the  
19 people at the bargaining table will not be there too much  
20 longer if they haven't the support of the members. They  
21 should know if you make a mistake once I don't think there  
22 will be too much faith on the company's part or the people  
23 you are negotiating with, and they would want some assur-  
24 ance. No company will let you continue to build on what  
25 you ask.

26 MR. POLLOCK: Are there any unions to your  
27 knowledge who authorize the bargaining committee to make  
28 the agreement on its behalf, within certain terms, or does  
29 every union have to return to get the contract ratified,  
30 so to speak?





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1312

1                   MR. BIALLARGEON: To my knowledge most agreements  
2 have to go through the membership. Maybe some unions may  
3 do this but I can't think of any one.

4                   MR. POLLOCK: That is a desirable feature, is it?

5                   MR. BIALLARGEON: I think your membership should  
6 be the ones to make the acceptance. There is no use accep-  
7 ting a contract the membership are unhappy with because you  
8 will only have problems later on. Sometimes economically  
9 they are pressed to accept a contract not satisfactory but  
10 at least they understand. It is explained to them.

11                  MR. POLLOCK: It is under a democratic principle  
12 that the union can operate?

13                  MR. BIALLARGEON: For the satisfaction of every  
14 one I can see no other way.

15                  THE COMMISSIONER: Is that wholly sound now? We  
16 are reaching a stage where very important social factors  
17 have to be taken into account. You don't want your money  
18 to disappear in value. You don't want inflation to come  
19 along. Do you think the ordinary worker and I would say  
20 the ordinary person in the community is capable of exercis-  
21 ing a judgment on such a matter as the influence upon in-  
22 flation of a good substantial increase in wages to a large  
23 industry?

24                  MR. BIALLARGEON: If you are going to speak of  
25 the auto industry, I think the people who sit down across  
26 the bargaining table have some kind of understanding of  
27 what the gross national productivity in relation to the  
28 profits are. All these are factors and big companies under-  
29 stand them. I can't speak for the smaller companies. The  
30 big companies basically have a formula they are aiming for.





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Toronto, Ontario

1313

1                   THE COMMISSIONER: I daresay they have. If you  
2 carry that on logically you would say these men are the men  
3 who make the demands, not the men you go back to and say,  
4 "Is this satisfactory to you?"

5                   MR. BIALLARGEON: Any people in leadership have  
6 to realize what the members need. It is not always the  
7 monetary things that cause strikes.

8                   THE COMMISSIONER: Take the case where it is a  
9 question of money that is the most important.

10                  MR. BIALLARGEON: Maybe because I never ran  
11 against it, it is difficult to answer. I think most people  
12 are pretty understanding. Maybe they will not understand  
13 the whole complexity of the economic structure but they  
14 have some faith in the leadership they elect, and they take  
15 direction from there. If the leadership is selling them  
16 short, they should have the right to say they think so.

17                  THE COMMISSIONER: The question is, when will  
18 they say that?

19                  MR. BIALLARGEON: After hearing what the leader-  
20 ship recommends.

21                  THE COMMISSIONER: What if the settlement, a  
22 satisfactory settlement is arranged, and the body of the  
23 membership say, "Oh, well you brought them up, now go back  
24 and bring them up further?"

25                  MR. BIALLARGEON: If the need is there then  
26 evidently the leadership isn't close to the membership.  
27 For example, use hospital workers. Should they be exploited  
28 in a low industry because they are hospital workers and  
29 in an industry that can't strike? Should they be exploited?

30                  THE COMMISSIONER: Was it the settlement





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Toronto, Ontario

1314

1 recommended to them by their own people that was objected  
2 to? I would agree with you that looks to be the case where  
3 the wages were far below what they should have been. I  
4 would doubt you have leadership there as competent as the  
5 automobile industry.

6 MR. BIALLARGEON: The C.U.P.E. Union is pretty  
7 large.

8 THE COMMISSIONER: As you said yourself, the  
9 leadership is going to find itself in trouble if that method  
10 is pursued, that you get an offer simply for the purpose of  
11 starting again to get a further offer.

12 MR. BIALLARGEON: This only came about because  
13 of the fact they were so far behind and these people are  
14 catching up. Their economy was held down because we are  
15 keeping one segment of society with a high pay in relation  
16 to keeping them low. Somebody is going to get up, speak up  
17 and fight back and that is all that is happening. You can't  
18 say, "If we give you a two cent or ten cent --"

19 THE COMMISSIONER: Take a thirty percent raise,  
20 an increase. You can't have money of that magnitude and  
21 get along in the conditions you agree we ought to have.

22 MR. BIALLARGEON: If it took thirty percent they  
23 were sold short along the line.

24 THE COMMISSIONER: I am assuming they were in  
25 line. It is quite true you have to know the details of  
26 each situation and in an emergency they make a demand that  
27 is unreasonable.

28 MR. BIALLARGEON: Was it unreasonable or were  
29 their wages down so low they had to be brought up?

30 THE COMMISSIONER: You have to keep in mind what





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Toronto, Ontario

1315

1 I am assuming. I am assuming they were in line.

2 MR. BIALLARGEON: And they are now demanding a  
3 thirty percent increase?

4 MR. POLLOCK: Because they are in strong econom-  
5 ical position.

6 MR. BIALLARGEON: It depends on the company's  
7 economical position. If they were capable of paying it  
8 certainly that wouldn't have any effect on the economy of  
9 the country because a few thousand workers got a raise, and  
10 the company's economy isn't affected.

11 THE COMMISSIONER: The trouble is that percentage  
12 becomes a standard and every group will ask the same and  
13 the wealth of the country can't permit it, the productive  
14 wealth.

15 MR. BIALLARGEON: The United States, which has  
16 the highest standard of living, has been faced with that.

17 THE COMMISSIONER: I see that one of the prin-  
18 ciple policies of today is the elimination of the slums and  
19 the poverty of the country and I don't think you can say  
20 too much --

21 MR. BIALLARGEON: I won't use that completely  
22 but I am going by the economic structure and the people  
23 working. They have the largest and I think there is no  
24 question about that.

25 THE COMMISSIONER: They, as a country, are the  
26 country of the greatest resources.

27 MR. BIALLARGEON: Just in resources or industrial  
28 resources?

29 MR. POLLOCK: We probably have more trees than  
30 they have.





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Toronto, Ontario

1316

1                   THE COMMISSIONER: Have you anything more to say

2 Mr. Biallargeon?

3                   MR. BIALLARGEON: No, unless -- we have some  
4 people here and if there is anything that needs clarification  
5 they could speak. If you wish us to we can come back.  
6 Some of these points in the case of safety we can elaborate  
7 a little bit upon and call some of the people involved dir-  
8 ectly.

9                   THE COMMISSIONER: You can do that anytime, now  
10 or later.

11                  MR. POLLOCK: It is ten to one but there is one  
12 question before you go. This is getting back again to  
13 picketing and wildcat strikes and those things. In your  
14 experience with your union, or any union you have familiarity  
15 with, has the union itself sought to discipline their mem-  
16 bers who have participated in either wildcat or unsanctioned  
17 activity, either on picket lines or going on strike when it  
18 was prohibited? I appreciate the company can do this under  
19 the collective agreement.

20                  MR. BIALLARGEON: In the union there is one ex-  
21 ample -- it depends on what you mean by discipline.

22                  MR. POLLOCK: Suspension or a fine sanctioned.

23                  MR. BIALLARGEON: Sometimes they are removed  
24 from office and taken from the position of leadership. Our  
25 international union can move in and take over the union as  
26 a trusteeship if this kind of situation develops, where  
27 people aren't following the constitution and then have the  
28 membership decide.

29                  MR. POLLOCK: I appreciate the ordinary powers  
30 to control the membership, but what do you do for example





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1317

1 if a member of your union on a picket line starts a fight,  
2 and he is in the wrong. Do you do anything about that?

3 MR. BIALLARGEON: We normally do. We make sure  
4 he doesn't go on the picket line.

5 MR. POLLOCK: You don't try to discourage that  
6 by saying you are subject to a fine?

7 MR. BIALLARGEON: We would if it had the effect  
8 of hurting our situation.

9 MR. POLLOCK: Has it ever, to your knowledge,  
10 been done?

11 MR. BIALLARGEON: Yes.

12 MR. POLLOCK: Somebody has suggested you could  
13 cut off his strike benefits.

14 MR. BIALLARGEON: That could be done.

15 MR. POLLOCK: But you haven't done anything  
16 more positive to him? You haven't said, "You not only  
17 get no strike benefits but you are fined twenty-five or  
18 fifty dollars?"

19 MR. BIALLARGEON: It could be done.

20 MR. POLLOCK: To your knowledge?

21 MR. BIALLARGEON: Not in that particular situ-  
22 ation but in other situations where people have tried to  
23 violate the contract or tried to interpret the contract  
24 and hurt the members for their behaviour. They are  
25 brought to trial. That does happen. It is not too fre-  
26 quent because after all we would be spending our time in  
27 courts of law all the time. The company is pretty effec-  
28 tive with their discipline.

29 MR. POLLOCK: You are happy to have the company  
30 discipline?





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Toronto, Ontario

1318

1 MR. BIALLARGEON: We are never happy to discipline.  
2

3 THE COMMISSIONER: We will adjourn now, I think,  
4 until half-past two.

5 --- At 12:55 the hearing adjourned.

6 --- At 2:30 P.M. the hearing resumed:  
7

8 MR. POLLOCK: I see a new face.

9 MR. BIALLARGEON: Yes, this is Mr. Charles  
10 Brookes, President of the Chrysler Local, and there were  
11 a number of things I wasn't involved in, in relation to  
12 a number of safety items, especially the motor blocks  
13 and other things. He was directly involved in them and  
14 I asked him to come and give some details of the problems  
15 he had.

16 MR. BROOKES: Your Honour, I have been in auto-  
17 mobile plants for thirty years in this community and I  
18 have been one of the chief officers of the local union  
19 for approximately twenty years. I do not intend to go  
20 over the same territory you went over this morning. Mr.  
21 Biallargeon tried to give you some examples of how a  
22 safety problem could result in a work stoppage and the  
23 right to strike on these matters may avoid that.

24 At the present time we have three officers in  
25 the plants who are disciplined by the company for doing  
26 what the Industrial Safety Act says should be done. It  
27 says you should not operate anything that you believe to  
28 be reasonably unsafe, nor permit it to be operated. Our  
29 Industrial Safety Department, I might say, has stepped up  
30 their tempo a great deal and have paid more attention to





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Toronto, Ontario

1319

1 these things because of the number of fatalities, and  
2 the high cost of people injured in industry.

3                 However, there is no protection in the law to  
4 the worker who says, "I won't operate the jitney, or I  
5 won't operate that hoist because it is frayed and it may  
6 break." The law gives us the right to object but not  
7 discipline the company. The foreman can say I shall run  
8 it and I am penalized for refusing to carry out a direct  
9 order of the supervisor, rather than refusing to work on  
10 something unsafe.

11                 We have many other issues in the plants but  
12 what I thought I would do today, instead of burdening  
13 you with the details, I would say we have three samples  
14 of strikes, or threats of strikes, in other Chrysler  
15 plants in America where they do have the right to strike  
16 during the life of an agreement. I thought if we sub-  
17 mitted them to you for perusal at some time you would  
18 get the idea of what their strike procedure and machinery  
19 is. The international officers would have to go in and  
20 go through all the attempts to settle the matters before  
21 a strike can occur.

22                 THE COMMISSIONER: Who are the three?

23                 MR. BROOKES: They were stewards on the job.

24                 THE COMMISSIONER: They were qualified men,  
25 trained and skilled men?

26                 MR. BROOKES: Very conversant; in one instance  
27 a pipeline broke and flooded the floors. The workers  
28 were carrying heavy crankshafts subject to injury. Rather  
29 than work in the water they stepped aside until the  
30 company got it repaired and cleaned up. Therefore they





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1320

1 disciplined the steward for telling the men not to work  
2 in the water. He told them he advised the workers they  
3 would be subject to injury. Oil on the floors seems like  
4 a simple thing but we have many people with hernias and  
5 back disorders that I can relate immediately to what they  
6 did on the floor.

7 THE COMMISSIONER: They would have men to keep  
8 the floors clean, wouldn't they?

9 MR. BROOKES: Yes, except if management decided  
10 to change its method of cleaning, they take off the janitors  
11 and transfer them to the midnight shift when the  
12 plant was empty. They could clean it with fewer people,  
13 but the results were during the day you would work in  
14 hazardous conditions. On these things we meet the company  
15 from time to time and generally get some promise they  
16 will do something about it.

17 THE COMMISSIONER: I see you have "fumes".

18 MR. BROOKES: Yes, fumes, carbon monoxide fumes  
19 where cars are tested. We had the Department of Labour  
20 in there recently and they did spank the company in order  
21 to get it corrected.

22 MR. POLLOCK: Don't they have a machine that  
23 automatically tests the carbon monoxide in the air?

24 MR. BROOKES: Not automatically, we have to  
25 call in the Department of Inspection or Safety. If they  
26 come in on the day when the climatic conditions are not  
27 there, the test doesn't show.

28 MR. POLLOCK: Isn't there a machine set up all  
29 the time monitored to cut off the fumes if there are so  
30 many parts of carbon monoxide present?





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Toronto, Ontario

1321

1                   MR. BROOKES: No, we usually go by the fellows  
2 feeling sick, loss of appetite and there is a mass exodus  
3 to the First Aid for headache pills. We have one fellow  
4 who walked into a post when he became dizzy.

5                   THE COMMISSIONER: You mean they have no means  
6 of detecting the presence of carbon monoxide?

7                   MR. BROOKES: No, periodically we will call in  
8 the Department of Safety to test it and if found reason-  
9 ably safe they may be given instructions. The company  
10 may carry them out or they may not. Particularly in the  
11 foundry, we called in our Hygiene Department. The company  
12 gives us a target date of three years in order to put in  
13 the proper machinery to clean up the air. However, among  
14 other things to slow up the protection standards, the  
15 company handles one thousand new employees who are all  
16 probationers. They even set standards far above normal  
17 for a person, under the threat they would not get their  
18 probationary permit, or something of this kind. We could  
19 illustrate a hundred things. Recently in our plants the  
20 company had a cutback in production and they started to  
21 transfer employees around the plant. You didn't know what  
22 job you would have because some department was short,  
23 even though the agreement gave the employee the right to  
24 refuse the transfer. Under those conditions the company  
25 disciplined the worker because they have a right to dis-  
26 cipline, rightfully or wrongfully, and you have the re-  
27 course to grievance procedure, but in the meantime they  
28 accomplish their objective.

29                   We are saying, as was discussed this morning,  
30 a statute may include the right of parties to contract





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1322

1 themselves out of such overtime. On the question of over-  
2 time the position was the statute provided for the two  
3 parties agreeing you could go beyond these hours, and if  
4 scheduled you must work. Be that as it may, the Labour  
5 Relations Act is deficient in this area, and when you  
6 raise the question of why do you not write in the contract  
7 the right to strike, presently this would be a violation  
8 by both parties.

9 MR. POLLOCK: I raised this, and if you removed  
10 that provision from the Labour Relations Act, do you  
11 think you could negotiate a contract keeping that in?

12 MR. BROOKES: All the automobile companies in  
13 Canada have that provision. In every other plant in the  
14 American continent have it, so why can't we put it in  
15 here, except our own legislation is a bar. General Motors,  
16 American Motors, any automobile company that has a con-  
17 tract with the U.A.W., and that is about all of them,  
18 have the provision in their agreement to go on strike,  
19 after you follow certain procedures.

20 MR. POLLOCK: What are they?

21 MR. BROOKES: You must exhaust all the grievance  
22 procedure. Then you must have the membership to have the  
23 right to vote.

24 MR. POLLOCK: How does that solve your problem,  
25 if you have to exhaust the grievance procedure?

26 MR. BROOKES: I always remember my father  
27 didn't have to use the strap on me very often, but I knew  
28 it was in the cupboard. The right to strike is there.  
29 We are not asking to exercise it, we are asking for it so  
30 we don't have to exercise it.





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1323

1           At the end of every agreement we sign, we have  
2 a strike. We can't settle our problems, they have pyra-  
3 mided. We settle, but not in time. We have had three  
4 strikes and it is suggested we are on a collision course  
5 for another one. We are currently meeting the company to  
6 see if we can work it out ourselves. As long as there is  
7 the tool that makes management and union cognizant that  
8 unless we do settle these things -- and they must be set-  
9 tled in all fairness -- and not who has the economic  
10 power at the time.

11           MR. POLLOCK: That determines fairness, does  
12 it?

13           MR. BROOKES: No, not really, any more than  
14 prejudice. It is dependent on which side was prejudiced.  
15 We say you must do these things for these people and if  
16 they are not done you have to establish some credibility,  
17 and we would establish that credibility with that weapon  
18 there. This would cause management and the union to live  
19 up to its responsibilities insofar as applying the terms  
20 of the contract.

21           Now we do not have to sign a contract for more  
22 than one year under our law, and our position is we  
23 should not, but I think it is desirable on the part of  
24 the company and union if we can have a period of indus-  
25 trial peace where we can project our aims where we are  
26 making money or building security. So unless we have  
27 something there that would make us equal partners, the  
28 results are you have a collapse in labour relations.

29           MR. POLLOCK: How do you have industrial peace  
30 with the right to strike at any time? Isn't the guarantee





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1324

1 of industrial peace the fact you have the closed contract  
2 for a period of time? This clause would open the door to  
3 industrial warfare again.

4 MR. BROOKES: Now, I will give you an example.  
5 A corporation decides it will increase its productive  
6 capacity and hires, not the whole new supervisory staff,  
7 but augments supervisory staff by forty or fifty who were  
8 never supervisors before. They come in and they don't  
9 care about the contract. They say I will make a name for  
10 myself and you will do it my way or else. This usually  
11 winds up when we sit with higher level of management and  
12 unless the situation is corrected, we will follow the  
13 procedure of our agreement with the international or  
14 national, whatever it may be. You tell us where to go.  
15 That is where we are going. The chances are with that  
16 club over their heads they will sit down and you will re-  
17 move from this area the possibility of having a strike  
18 then, and at a later date, and it is not a matter at that  
19 time because somebody -- your rank and file will soon  
20 desert the people who are irresponsible. It is the same  
21 as wildcat strikes, if you are not able to control them  
22 the rank and file will find someone who can. They expect  
23 a day's pay and are not looking for trouble, but if you  
24 sign a contract in good faith, it must be lived up to in  
25 good faith.

26 We feel the Labour Relations Act itself should  
27 be amended so the parties could agree during the life of  
28 an agreement -- for instance the three-year contract --  
29 we agree on the anniversary date if there are an accumu-  
30 lation of grievances as there are in our case. We have





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Toronto, Ontario

1325

1 been in the Minister's office to settle. The only mach-  
2 inery we have is the grievance procedure which we believe  
3 in, but when these grievances accumulate and there are  
4 the abuses there has got to be some way we can say to the  
5 company, "We will not build automobiles for you for the  
6 next model under these conditions." We get this from the  
7 United States because mainly that is where the plants are  
8 owned.

9 They will send their top officers and nine out  
10 of ten times they will put us on the course we should be  
11 on, but you can't tell a fellow whose grievances are two  
12 years old what happened when he got suspended when the  
13 foreman was wrong. We know he was wrong, but we can't  
14 get in front of an arbitrator and discipline can become  
15 as it is at the present day.

16 All we are saying is we have the Labour Relations  
17 Act which bars wildcats, and we agree with that. We  
18 don't want them. We want the strikes to be proper and  
19 orderly and for proper cause, and no union leaders would  
20 allow or permit their people to go on strike without pro-  
21 per cause.

22 THE COMMISSIONER: They do not always obey the  
23 leader.

24 MR. BROOKES: No, with all due respect Your  
25 Honour, I can't conceive of one where they would, and I  
26 don't know one where they haven't. If you witnessed what  
27 transpired in the General Motors Corporation on the  
28 other side, when they did not respect the position of  
29 the International, a trusteeship was put in immediately,  
30 because you can't fight that kind of a battle and we





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Toronto, Ontario

1326

1 respect it. Where in our contracts we have the right to  
2 strike that wouldn't damage it, nor would the right to  
3 strike permit us. It would not damage their position but  
4 it would create harmonious relationship. It would take  
5 care of conditions in the plant because management would  
6 have to be concerned much more than they are now.

7 It is for that reason we feel that right should  
8 be in there. When we fight to maintain a one-year con-  
9 tract we become irresponsible people. You have seen the  
10 full page ads in the paper that this leadership is irres-  
11 ponsible because they want a one-year contract and every-  
12 body else has three years. When you witness what takes  
13 place in the various plants -- our plant this year may  
14 not do it, but next year it could be Ford or General  
15 Motors, and this is the only way to keep the people equal  
16 partners and that is all there is to it. You can't  
17 change a condition the next day after you sign a contract  
18 when the company turns its efficiency experts loose and  
19 they say, "No more wash-up periods," which they do, and  
20 when they do this you have to be able to go back and say  
21 to management they didn't bargain in good faith. Unless  
22 we can resolve this the members may decide to close the  
23 plant and do it properly.

24 On the other question I suggest we would file  
25 with you a good example to see what happened at the  
26 Chicago plant, the Trenton, New Jersey, plant, where the  
27 workers took a strike vote and went into the management  
28 and laid the problems on the table. They have few strikes  
29 where responsible people sit down and correct the con-  
30 ditions at the plant level. That is all the right to





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1327

1 strike would give us today and I submit that is the way  
2 it would work.

3 On the other question of injunctions, of great  
4 concern to us, and with all due respect, Your Honour, I  
5 do recall it was your wisdom and guidance that helped  
6 these people get their automobiles back in 1946. But I  
7 think the cause that put the automobiles there is with us  
8 today, even more so, because we put these automobiles  
9 there because the police were going to be used in large  
10 numbers up to and including the trcops were going to be  
11 brought in. They were determined to open the plant that  
12 had been closed. I was in their service station at the  
13 time and recall it very well.

14 Ever since that time when an employer can use  
15 the injunction weapon or knows it is there, here again  
16 you find an absence of the bargaining in good faith. He  
17 knows when he is finished he can get a court order. He  
18 can bring people in and run his plant.

19 MR. POLLOCK: Why doesn't that cut the other  
20 way insofar as the right to strike is concerned? You say  
21 it is a weapon in the arsenal not to be used by irrespon-  
22 sible people. An injunction is not to be used by irres-  
23 ponsible people.

24 MR. BROOKES: I am going to ask that question.  
25 I have more than an equity in the job I have. I have a  
26 right to that job. If that company laid me off and took  
27 another man in and put him on the job I could go to a  
28 jurist and they would put me back to work with pay. The  
29 only difference is I have the right to strike and if I  
30 have the right to strike that is my job. It is not for





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Toronto, Ontario

1328

1 somebody to go in off the street and take it any more than  
2 if the company had laid me off, because we have followed  
3 the law to a completion. But then the law is negative on  
4 the other side and the employer can go to a civil court  
5 in order to negotiate the things we agreed to under the  
6 other law, and thus we feel the injunction is a bad law.

7 I don't think anybody who understands -- and I  
8 am only a layman -- without an injunction in our legal  
9 society we would be lost. People could do things indis-  
10 crimately and you could not stop them, but when you apply  
11 it to Labour Relations it has no place because there is a  
12 law that covers that situation. There is a missing link  
13 and that is that there is nothing to settle the disputes  
14 that are now being used, and the injunction law becomes  
15 a strike-breaking weapon rather than a tool that should  
16 be used in its proper way. It was never designed for the  
17 labour purpose.

18 You have read Mr. Justice McRuer's most recent  
19 order, "Law to be respected must deserve respect."

20 THE COMMISSIONER: I know, but that is not going  
21 to change law. People who are anxious to have the law  
22 changed may feel obliged on occasion to follow it, but if  
23 they don't they accept the punishment. They do not resist  
24 the punishment.

25 MR. BROOKES: I appreciate that, but my under-  
26 standing is your terms of reference is to create a law and  
27 not to perpetuate the punishment.

28 THE COMMISSIONER: As far as is possible for men,  
29 we have ways of bringing in changes to the law because the  
30 times change and the law must accommodate. You can justify





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1329

1 violation only on your acceptance of punishment.

2 MR. BROOKES: We don't subscribe to the position  
3 that we have violated the law. Our position is that the  
4 law is negative in doing the job it was supposed to do,  
5 if you go from Labour Relations to Civil Law.

6 THE COMMISSIONER: If you were put in a position  
7 of responsibility and you thought a law looked upon as  
8 just can be ignored or doesn't exist, you must accept  
9 the rules of law. They may be anachronistic; they may be  
10 out of date. I have no doubt some are absurd, they have  
11 lain dormant for a century and are brought up as an absur-  
12 dity. These laws are properly repealed but really to say  
13 what I understand you to say that you are going to get  
14 men to make their own laws, irregardless of the other  
15 members of the community, it all depends on the particu-  
16 lar interest and particular aspect you hold towards a  
17 key matter of conduct.

18 We all are governed largely in this way. We  
19 become selfish and aware of ourselves. We are governed  
20 by our immediate interests and those interests sometimes  
21 blind us to the interests of other people.

22 MR. BROOKES: I don't think and I am not sug-  
23 gesting to you that our law is old or absurd. I accept  
24 the premise of an injunction as being proper and necessary  
25 in its proper place, but I am suggesting now we have a new  
26 law and it is not in conflict with the injunction unless  
27 the civil law is applied. Then the Labour Relations Act  
28 is in conflict with it, because the Labour Relations Act  
29 gives us a right to do something for somebody, that is  
30 ourselves, my job.





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Toronto, Ontario

1330

1                   THE COMMISSIONER: I am just as sympathetic to  
2 the changes in society as the average person, and when you  
3 say that the right to strike creates a right in a job you  
4 have to follow that by some other conception.

5                   MR. BROOKES: No, my right to a job is by my  
6 length of service to the corporation.

7                   THE COMMISSIONER: I agree, you have given  
8 thirty years.

9                   MR. BROOKES: I don't care what I gave, I re-  
10 ceived wages in return, but I received a contract with  
11 that employer that says this is my job, not his. It is  
12 his plant. I submit, Your Honour, with all due respect,  
13 if he lays me off and puts another man in my job with less  
14 seniority, or a stranger, what would happen?

15                  THE COMMISSIONER: Because you have the right  
16 this needs to be respected, but that right is specific,  
17 and when the agreement comes to an end what happens to the  
18 rights?

19                  MR. BROOKES: If the agreement comes to an end  
20 I submit you have a proper place, but in strike situations  
21 where injunctions are used, which we are complaining about  
22 the agreement is not terminated. I still have a job there.

23                  THE COMMISSIONER: You will have to let me  
24 commence again. Here we are embarking on a different  
25 field of social law that has not become legal -- social  
26 application is perhaps better to say than social law --  
27 and the problem is to work it out within the confines of  
28 legislative direction. You do have a provision in the  
29 Labour Act which in my opinion hasn't been given sufficient  
30 emphasis which it should have been, and that is Subsection





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Toronto, Ontario

1331

1 2 of Section 1, which declares you maintain your relation  
2 of employee notwithstanding that you have stopped working.  
3 That is a positive affirmation of your right to say, "My  
4 relation continues," notwithstanding that in your absence  
5 -- your absence in the absence of an agreement would be  
6 sufficient grounds to dismiss you. I have no doubt that  
7 was put in for this reason, that in England if you strike  
8 before your time your notice is given, you are guilty of  
9 an unlawful act, and in all strikes in England even today  
10 they give notice of termination of their employment. When  
11 the notice is existent they strike, but they do not strike  
12 as employees.

13 So we have to remember you have to have legis-  
14 lative indication before the courts. I am speaking about  
15 the obligation of the courts because I think it is neces-  
16 sary to realize that the courts are not empowered to create  
17 new law. That is the work of the legislature, and if the  
18 legislature won't act then the courts are bound to admin-  
19 ister the law as they find it.

20 Here you have a section in the act which does  
21 give you an indication it looks to the courts for some  
22 affirmation of association with the position. I think  
23 that was a piece of wise legislation. It has gotten rid  
24 of the objection that exists in our common body of common  
25 law as it is today in England.

26 MR. BROOKES: But it has a deficiency, Your  
27 Honour. My understanding is when a legislature enacts a  
28 law it provides you with a police force to protect you  
29 under that law.

30 THE COMMISSIONER: Yes, that is true.





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1332

1 MR. BROOKES: Now, the Labour Relations Act  
2 provides you with certain rights but then it is deficient  
3 in taking the necessary step in protecting the workers'  
4 interest.

5 THE COMMISSIONER: To do what?

6 MR. BROOKES: He has a legal right to withhold  
7 his labour after following certain procedures. Now, when  
8 he does this certainly the law doesn't say, "We are going  
9 to give the employer the right to refuse you."

10 THE COMMISSIONER: We are not in conflict here.  
11 You don't have to emphasize that to me.

12 MR. BROOKES: The deficiency we say is that the  
13 Labour Relations Act should contain the necessary machinery  
14 to settle the differences with the corporations by going  
15 to civil courts.

16 THE COMMISSIONER: That is what I say, the  
17 legislature hasn't done it.

18 MR. BROOKES: Precisely.

19 THE COMMISSIONER: Your complaint is not against  
20 the courts, it is against the legislature.

21 MR. BROOKES: I feel they should choose the  
22 person, with all due respect to yourself, as a man who  
23 could investigate this and find what recommendations, if  
24 any, could be made and for him to look after it.

25 THE COMMISSIONER: I agree with you. The only  
26 question is which is the best method of dealing with that.  
27 We discussed this morning a penalty. We discussed means  
28 by which the company could be penalized for neglecting to  
29 do what it admitted, in many cases, it had to do.

30 MR. BROOKES: I submit if they fail to agree,





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Toronto, Ontario

1333

1 they know -- and as long as the act is as it presently  
2 is -- they have an out through civil courts.

3 THE COMMISSIONER: But you must read the stat-  
4 utes in accordance with the language. You can't get an  
5 injunction without coming within the terms of the act. I  
6 agree that sometimes we can improve the procedure. There  
7 is no difficulty about that by way of recommendation as  
8 we said this morning. There is no reason why you can't  
9 bring two or three men over, and the complainant can bring  
10 two or three over to swear or give testimony to the facts.  
11 They can be examined and their veracity will be weighed  
12 as it is in every case. I must say that procedural busi-  
13 ness doesn't bother me very much at all because it is  
14 easy to change it.

15 MR. BROOKES: This would be in our estimation  
16 an exercise in futility, with all due respect. I realize  
17 we could go into court but history has shown us all of the  
18 things that could be employed to get the injunction. Get-  
19 ting the evidence to get the injunction is no real problem  
20 to management, and this again doesn't solve the problem  
21 but the injunction might. Once granted it becomes a strike-  
22 breaking weapon.

23 MR. POLLOCK: It only becomes a strike-breaking  
24 weapon if the conduct is such that it is necessary to pur-  
25 sue it. In a strike if you have violations and have hun-  
26 dreds of people to hold people out of the plant, I agree  
27 it is strike breaking.

28 MR. BROOKES: I submit the union never brings  
29 scabs to the plant. Somebody gets them, somebody sends  
30 for them and pays them to go there. Essex Wire sends a





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Toronto, Ontario

1334

1 bus throughout the country and they have a hundred and  
2 fifty policemen there with dogs to protect them when they  
3 go into the plant. This is an insult to the legislation  
4 under which labour has to rule.

5 THE COMMISSIONER: I don't want you to be afraid  
6 of answering and I am not afraid of asking. Do you think  
7 you have a right to prevent them entering that place?

8 MR. BROOKES: A right to prevent them? I sub-  
9 mit the Labour Relations Act, if it doesn't is supposed to,  
10 because it gave the other people the right to do what  
11 they doing to withhold their labour. Once the law has  
12 conveyed that right upon you, then it must protect that  
13 law in the same fashion it would protect you against the  
14 thief on the street.

15 MR. POLLOCK: Suppose you had no right to  
16 picket and the company had no right to hire strike breakers?

17 MR. BROOKES: Then the question is, do I be-  
18 lieve we have a right to prevent those people?

19 MR. POLLOCK: No, this is very simple. You  
20 abolish your right to picket so you get rid of this trouble,  
21 and you abolish the right of a third person to be taken  
22 on, so the plant remains as it is. You remain as you are  
23 and the question is who will endure?

24 MR. BROOKES: Then it becomes a matter of com-  
25 mon sense and practical economics prior to the strike  
26 taking place.

27 MR. POLLOCK: It becomes a matter of the union,  
28 its solidarity and its loyalty, and the power of the em-  
29 ployer to endure the cessation of work.

30 MR. BROOKES: Some employers farm their work





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Toronto, Ontario

1335

1 out to other employers. The Automobile Industry didn't  
2 shut down, they found another source.

3 MR. POLLOCK: There is no need of a picket line  
4 in this city with a large manufacturer. They can't re-  
5 place their men, eight to ten thousand men, as admitted  
6 this morning. It is only in the small industry this ques-  
7 tion arises.

8 MR. BROOKES: Not necessarily, but when it  
9 arises the same thing applies for the larger industry,  
10 and I agree if I read you rightly I think it is an insult  
11 to the dignity of man to have to resolve his problems in  
12 the way he is resolving them.

13 MR. POLLOCK: I would like your opinion if you  
14 would think about this. Suppose the instruments which  
15 play the greatest part in this so-called strike, the picket  
16 lines and the strike breakers, suppose they were done away  
17 with. You wouldn't have to have a picket line because no  
18 man could be employed legally. Would you say it is a  
19 fair means of getting at this to leave the employer and  
20 his employees to fight it out themselves?

21 MR. BROOKES: I submit to you in the first in-  
22 stance if that were the situation it would be ideal. I  
23 submit it would be ideal because the strap would still be  
24 in the closet. Unless you sat down and did some good  
25 safe bargaining you knew the end would be disastrous, and  
26 the people wouldn't stay on that kind of a course. I  
27 don't think history shows labour has in any place actually  
28 strangled somebody and put them out of business.

29 MR. POLLOCK: I am concerned with a simple  
30 situation. You don't need a picket line, you do not need





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Toronto, Ontario

1336

1 injunctions, there is nothing on which they operate. You  
2 are simply facing the employer and he is negotiating and  
3 you are negotiating.

4 MR. BROOKES: I see that as an ideal situation  
5 for honesty among parties.

6 MR. POLLOCK: Would it have a tendency to  
7 coerce them to settlement. I mean "coerce" in the sense  
8 of pressuring them.

9 MR. BROOKES: It would be an incentive to set-  
10 tlement. I think, in all fairness, that I don't think the  
11 gun should be all loaded in one way. I think when you sit  
12 down with management you deal with economic things, you  
13 don't deal with brute force. That is the old way.

14 MR. POLLOCK: You are asking them to give some-  
15 thing they don't want to give. When property interests  
16 are in conflict there is not much sense in talking about  
17 fairness, as far as I am able to gather. There is very  
18 little trust between employer and employee and the reason  
19 is obvious, each one is trying to get something out of the  
20 other.

21 MR. BROOKES: I don't know if we are trying to  
22 get something out of them, we have nothing to sell but our  
23 labour.

24 THE COMMISSIONER: There is where you make your  
25 mistake by conceiving your role as selling your labour  
26 like bread and butter. You are claiming a personal re-  
27 lationship to that business. You have an equitable or  
28 social right in that office. That is not selling goods.

29 MR. BROOKES: It was a wrong choice of words.

30 THE COMMISSIONER: It is establishing a personal





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1337

1 relationship.

2 MR. BROOKES: We may be exchanging our labour  
3 because we have done this by witnessing the fringe bene-  
4 fits we have built over the years into a contract, and all  
5 we are saying is once we have given respect and under-  
6 standing and have followed all the procedures, and waited  
7 six months, and met with government officers, the law says  
8 you can go on strike.

9 MR. POLLOCK: The law doesn't say that, the law  
10 says you have to go through the things or the strike is  
11 illegal. It doesn't give you the right to strike, it  
12 gives you the liberty after all things are exhausted.

13 MR. BROOKES: This is what I am asking for,  
14 with all due respect to His Honour, I have argued the law  
15 does not say you have the right to go on strike, but the  
16 law says you can't go on strike until you have followed  
17 certain procedures, and I think technically interpreted by  
18 our jurists this would carry with it, once you have ful-  
19 filled the commitments, that you have the right to go on  
20 strike.

21 MR. POLLOCK: You are free to go on strike.

22 MR. BROOKES: The worker accepts this in the  
23 plant, and this is what Mr. Justice McRuer is talking  
24 about when he talks law and order and respect for that  
25 law, because once the worker gets it only to find a civil  
26 law can take it away from him, then he has no respect for  
27 that law and that is what we are trying to change, isn't  
28 that true?

29 MR. POLLOCK: You say everybody is free to own  
30 a motor car, but if you haven't the money to buy one you





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Toronto, Ontario

1338

1 don't have a car. You are free to go on a strike if you  
2 want. If you are strong enough you will win. If you are  
3 not you will lose. If you have enough money you can buy  
4 a car. Does that say I am entitled to have a car and I  
5 can go to a company and say, "Give me a car, I am entitled  
6 to it?"

7 MR. BROOKES: Once I can get that car you can't  
8 take it back off me contrary to my wishes, because that is  
9 what the law does to the worker on strike. We are saying  
10 the present relationship to civil law -- the Master and  
11 Servant law, that is the one we live under, the Master and  
12 Servant law and the Labour Relations Act.

13 THE COMMISSIONER: Why exaggerate these things?  
14 The law has given you the Labour Relations Act, the most  
15 significant of all rights to command an employer to deal  
16 and bargain in good faith with you. There is no such re-  
17 lationship at all between master and servant. You have a  
18 statutory right now to compel a man to bargain with you  
19 regarding the use of his property. There is no sense in  
20 blinding our eyes to the reality.

21 MR. BROOKES: My understanding --

22 THE COMMISSIONER: Let me finish, please. What  
23 we are doing and I mean the whole community who are in-  
24 terested in order, we are trying to delineate the area  
25 within which each of these interested persons can become  
26 effective in some kind of economic or other social pres-  
27 sure. That is the situation. It is a mistake to look  
28 upon this in the light of false conceptions as you have  
29 indicated by talking labour as a commodity. When we talk  
30 about rights have we examined to find out the limits of





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1339

1 right? No right is absolute. There is not a right known  
2 to society which is absolute. Everything has a boundary  
3 and the object here is to find the boundary ultimately  
4 acceptable by both sides to say that is the best we can  
5 get in this life.

6 MR. BROOKES: May I ask this question? I am  
7 now on strike and the company is about to bring persons in  
8 to take my place at the plant. Could I apply for an in-  
9 junction to stop him?

10 THE COMMISSIONER: There is no civil law in  
11 this country that says you won't or can't.

12 MR. BROOKES: Can I apply for an injunction  
13 preventing the employer to break an agreement?

14 THE COMMISSIONER: What agreement?

15 MR. BROOKES: The equity I have in my job.

16 THE COMMISSIONER: Where is that agreement?

17 MR. BROOKES: I went through all that before.  
18 I said basically you have to understand there is an agree-  
19 ment in effect and I am on strike and I have a right to  
20 do this. While I am on strike I have the same interest  
21 and security in that job, except there is another section  
22 of the law which undermines what was supposed to have been  
23 done in the first place. I don't think there is any con-  
24 flict.

25 THE COMMISSIONER: There is no difficulty here,  
26 what you say is you postulate a right to a position in  
27 that business.

28 MR. BROOKES: Yes.

29 THE COMMISSIONER: You have the right to have  
30 it, you might say you have performed for a certain length





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1340

1 of time and while you are on strike you don't want anybody  
2 else in to sit in your chair, and you say if necessary I  
3 have a right to prevent him going in. I can quite under-  
4 stand that. It all depends on the validity of your first  
5 statement, that you have an interest in there that is en-  
6 titled to protection by law. I think it would add a great  
7 deal of strength to your position if you consistently  
8 maintained that, and logically maintaining it, but the  
9 moment you talk commodities you destroy it.

10 MR. BROOKES: I am glad and I appreciate very  
11 much that you have taken me to task on this point because  
12 I think I should say I don't treat it as a commodity, but  
13 it is kicked around in the market place as a commodity and  
14 I accept your criticism as being very fair.

15 The thing I want to emphasize is the thing that  
16 is now here. We need some definition. We need some  
17 security and need some faith in the Labour Relations Act,  
18 aside and apart from civil action we don't go to the courts  
19 to go on strike. We come under the Department of Labour  
20 and we think that is the only place where this matter  
21 should be resolved and they are quite capable of doing it  
22 today, otherwise you create injunctions against a worker  
23 who has done something like this. It is a crime, espec-  
24 ially to an Essex wireworker who now no longer has a job.

25 THE COMMISSIONER: The thing isn't to work out  
26 further means by which you can enforce these by pressures,  
27 which the law does not recognize, but we want to get rid  
28 of that and the only thing to do here is to devise a  
29 means by which to remove the cause of these things, and  
30 not deal with the consequences.





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1341

1                   MR. BROOKES: Correct. Without taking up more  
2 of your time that is the whole of the foundation of the  
3 brief given to you today, to equalize the balance of power  
4 in collective bargaining, in labour relations, and if that  
5 is done there will be a better understanding of the respon-  
6 sibilities of the parties on both sides. But we need that  
7 change in order to make it come about. Without these  
8 changes we might as well not talk because there is no such  
9 thing. Fairness is a word kicked around. It is like a  
10 living wage and whether you are getting it or giving it  
11 denotes what a living wage may be. If we want to develop  
12 industrial peace and we all do, because no one likes the  
13 sacrifice and setbacks that comes to the corporation or  
14 people by going on strike. The union seeking to go on  
15 strike for the right to strike is because we don't want  
16 to go. We want to fight it but the only way to fight it  
17 is if we know it is there so the parties will sit down and  
18 work out something.

19                  We have asked the governments at all levels to  
20 take the matter under consideration. The records show  
21 where you get an injunction, invariably you have destroyed  
22 or taken away the very things the workers thought they  
23 had, the right to do what they went out to do, to protect  
24 the wages and conditions they had worked for. The law  
25 used to crush their strikes is a disgrace to modern soc-  
26 iety and we think the law should be updated. Thank you.

27                  MR. POLLOCK: Are Mr. Wacheski and Mr. LeBlanc  
28 here?

29                  MR. W. LEBLANC: I am W. LeBlanc, of the Dis-  
30 tillery Workers Union, and this is Mr. John Wacheski.





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1342

1                   MR. POLLOCK: You gentlemen have something to  
2 add to this presentation by the Windsor and District Lab-  
3 our Council, on some particular element you wish to draw  
4 the attention of the Commission to?

5                   MR. WACHESKI: First of all, we are comparatively  
6 new to labour and our position with our place here was in  
7 support of the Labour Trades and Labour Council of Windsor.  
8 We are late arrivals and only got here a few minutes ago.  
9 We could not get here sooner but from what we have heard  
10 we can only sympathize with what has been said here as  
11 stated. That is about our position.

12                  MR. POLLOCK: I have been advised you might per-  
13 haps want to make some representations to the Commission.

14                  MR. WACHESKI: We represent four hundred and  
15 twenty-four people at Hiram Walker and even getting here  
16 when we endeavoured to proceed and obtain leave of absence  
17 for the day, we were met by our management with complete  
18 refusal but unfortunately something happened we didn't  
19 like but there was a wildcat strike at the plant today in  
20 support of our attending this session.

21                  MR. POLLOCK: Are they back to work at the  
22 plant?

23                  MR. WACHESKI: Fortunately I think they are.

24                  MR. POLLOCK: We couldn't have the Distillery  
25 out of business for too long. Well, gentlemen, have you  
26 anything to support the Windsor Trade Council brief from  
27 the people presented by Mr. Biallargeon and Mr. Logan  
28 earlier this morning? Have you anything further to add  
29 except moral persuasion?

30                  MR. WACHESKI: Four hundred and twenty-four





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1343

1 people were in complete support and sympathy with the  
2 Labour Council.

3 THE COMMISSIONER: We will have a break for  
4 ten minutes.

5 --- Short Recess

7 MR. POLLOCK: Mr. Brown, please...

8 MR. BROWN: My name is Trevelyan M. Brown.

9 Good afternoon, gentlemen.

10 MR. POLLOCK: Mr. Brown, I can tell you both  
11 the Commissioner and I have read your very lengthy briefs.  
12 Would you sit down if you wish, I notice your voice is a  
13 little bit hoarse by the way.

14 MR. BROWN: It is the result of a pensionable  
15 disability.

16 MR. POLLOCK: Perhaps we could save your voice  
17 and just go to some of the matters you have raised in your  
18 submission. If that suits your purpose rather than read-  
19 ing the twenty some odd pages you have very arduously and  
20 carefully prepared for us, for which we are obliged, or  
21 you can discuss some of the points raised in your own  
22 order, which ever is your preference.

23 MR. BROWN: I would like to read the brief as  
24 long as my voice holds out, if you don't mind.

25 MR. POLLOCK: I don't know what purpose it will  
26 serve other than the fact it will be copied out again by  
27 the reporter.

28 THE COMMISSIONER: Couldn't you take some of  
29 the points you consider most important and elaborate on  
30 them? I have read this.





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1344

1                   MR. BROWN: The two most important points, sir,  
2 in my opinion --

3                   THE COMMISSIONER: You summarized them at the  
4 end.

5                   MR. BROWN: Yes, Strikes between essential and  
6 non-essential industry and without giving all twenty-five  
7 reasons for strikes, I consider very important, but on the  
8 very last page I would like to emphasize above all other  
9 these two points. I believe this would go a long way to-  
10 wards making labour peace, and that is 1; the establish-  
11 ment of labour courts so workers can plead their cases to  
12 an impartial third party, comprising a judge, an associate  
13 judge from the ranks of labour and another associate  
14 judge selected from and by management. No. 2, the com-  
15 pulsory recertification of all labour unions after five-  
16 year intervals by the Government Department of Labour by  
17 secret ballot. These are the most two important things,  
18 sir.

19                  MR. POLLOCK: There are some aspects of that  
20 raised in other portions of your brief and perhaps, with  
21 your permission, we might be able to go through some of  
22 the ones I have noted, and then the Commissioner will make  
23 some references to ones he has made notes on.

24                  On Page 7 you indicate that injunctions have  
25 the effect of clubbing the union or employees into sub-  
26 mission, and permit the introduction of the strike breakers  
27 by management by crossing the picket line. In your own  
28 experience what is the method whereby the injunction per-  
29 mits the management to introduce strike breakers?

30                  MR. BROWN: Let me put it to you this way, sir,





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1345

1 thirty years ago when labour was just organizing in the  
2 plants, industry imported strike breakers and goon squads  
3 and what-have-you to intimidate the men and beat them up  
4 and strike break and take their jobs.

5                 Nowadays management is becoming much more soph-  
6 isticated and aggravating. What they do now, they either  
7 hire agent provocateurs -- and there are such people exist  
8 -- like Nader and General Motors when they began tailing  
9 him around and what-have-you, but other than that the  
10 companies will set up a protest. They will send an inde-  
11 pendent cartage company or small organization into a plant  
12 to pick up a die, or any excuse to get into the plant.  
13 They don't want the die but they want first to cross the  
14 picket line. They know what happens when men are on a  
15 picket line and the men see their jobs in jeopardy. They  
16 want to fight back, they get mean and ugly. They don't  
17 stop to think -- and it has happened in Canada -- it is  
18 what the company wants them to do so they can run to a  
19 judge and say, "These guys are irresponsible, we want an  
20 injunction." They have the evidence in front of the judge  
21 and he grants it. That puts the police on the side of  
22 management.

23                 Then the police become the strike breakers and  
24 obviously this puts the law in a very bad light because  
25 the men know they are being taken to the cleaners, but  
26 they have no recourse; they are plastered and splattered  
27 in the press as irresponsible guys. We are working men,  
28 we are trying to protect our jobs, that is my point  
29 gentlemen.

30                 MR. POLLOCK: Do you think that occurs every





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1346

1 time there is a strike?

2 MR. BROWN: Of course not, not every time. As  
3 brought up previously today, at Chrysler there are ten  
4 thousand men involved. It is impossible to get ten thou-  
5 sand men out of a hat. This usually occurs in small or-  
6 ganizations where they can pick one hundred men off the  
7 street, particularly an industry where it does not require  
8 skilled labour.

9 MR. POLLOCK: In these circumstances, take a  
10 small community of twenty-five thousand, and you have a  
11 low-skilled assembly job which can employ women, as well  
12 as men, with no heavy work involved. The union goes on  
13 strike. The employees go on strike and they are members  
14 of the union. They picket the plant with a dozen people  
15 and the company advertises in a newspaper saying they have  
16 vacancies in their plant. They advertise the prevailing  
17 rate of wages and all of it is true with no conspiracy or  
18 anything. In any community you find unemployed people who  
19 want a job. Some people may be newly-arrived Canadians;  
20 in some cases married women with children at school will  
21 get a job to supplement the income. They will go to the  
22 plant and cross the line. They know the strike is going  
23 on but they put their economic future ahead of the union  
24 strength, because it is a competitive society.

25 They think that if you won't work they will.  
26 There is no agent provocateur; there are no attempts to  
27 cross the picket line for an ulterior motive, other than  
28 to get a job and the work.

29 Under these circumstances when people cross,  
30 what can you do about it?





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1347

1                   MR. BROWN: Well, sir, first of all I say that  
2 the men who are on strike have a vested interest in that  
3 company or plant. It is their job at stake and no one has  
4 a right to grab a piece of bread out of my mouth.

5                   I am speaking of three thousand years ago. If  
6 you take a bone out of a dog's mouth he bites you back.

7                   Today we are civilized. These people are being  
8 put in a position of clashing one person against the other.  
9 They are in the position of each wanting the job and they  
10 fight and management sits back and laughs, but the men who  
11 are on strike have the right to the jobs. They have  
12 brought the company up. I think it was brought up a little  
13 while ago if there was no such thing as injunctions, if  
14 the government were to protect the jobs of the men there  
15 would be no violations. The men wouldn't have to picket  
16 because they would know their employment is protected.  
17 Men are peaceful on picket lines until aggravated. I have  
18 been on picket lines and on strike committees. We don't  
19 look for trouble.

20                  MR. POLLOCK: Does it make any difference to  
21 you what the terms the employees on strike want -- and  
22 what they want were extremely high, obviously higher than  
23 what the market would bear, and because others are pre-  
24 pared to take the jobs?

25                  I can see your position if the employees are  
26 brought in with higher rates of pay to break the strike.  
27 I can understand that position, but for example let us  
28 take a hypothetical case where the union and its employees,  
29 and the members of the union who are certified negotiated  
30 a contract and the contract was for two dollars an hour.





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1348

1 Everything went fine for two years and then they decided  
2 we are in a power position and we can go on strike and  
3 close it up. We can ask five dollars an hour if you want.  
4 Assuming they ask for four dollars but in the community  
5 you can find all kinds of people willing to go to work for  
6 three, what about that?

7 MR. BROWN: You don't have to worry about the  
8 men asking for too much. They never get too much.

9 MR. POLLOCK: They can ask for too much.

10 MR. BROWN: Our greatest worry is not about  
11 the men asking too much. Our greatest worry is from plants  
12 stealing our employment from underneath us without any  
13 penalty from the government whatsoever.

14 If I have ten kids and I run away to Vancouver  
15 and say, "To heck with the kids," the law sticks me behind  
16 the bars. This is fair, but if the employer runs away like  
17 eight thousand ran away to Oakville, and the company said,  
18 "To heck with their jobs," there was nothing done to Ford,  
19 because that is good for business apparently. I say what  
20 is good for the goose is good for the gander. This was a  
21 catastrophe in this town. This town was on the rocks un-  
22 til 1962. There were ten to twelve thousand people out  
23 of work because the key industry ran away and dodged its  
24 responsibilities. That is our greatest worry.

25 MR. POLLOCK: The run away plant?

26 MR. BROWN: Yes, sir, and farming out the work  
27 where they don't run away, but take the bread and butter  
28 and contract it out to some plant in bango bango or over  
29 the hill.

30 THE COMMISSIONER: How do you reason yourself





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1349

1 into a position where you can say that is an intolerable  
2 thing?

3 MR. BROWN: It is. It is a catastrophe. There  
4 are thousands of people involved, thousands of bread win-  
5 ners, thousands of wives and thousands of children cut off  
6 like that (snaps fingers) from their livelihood. They  
7 take their pay cheque away.

8 THE COMMISSIONER: Whose duty is it, the govern-  
9 ment's or the community?

10 MR. BROWN: I would say primarily, sir, the  
11 government's. The Federal and Provincial level, particu-  
12 larly the Provincial because the Provincial Government is  
13 only the child of the Federal Government.

14 THE COMMISSIONER: We are revolutionizing the  
15 sins of individual action. For centuries the individual  
16 went out and started up a little business and he wanted  
17 help so he was in a position to pay whatever was neces-  
18 sary, but that has been superseded by this tremendous ex-  
19 pansion of interest in the population, so you are just at  
20 the borderline of perhaps an entirely new philosophy of  
21 what the economy is. Today we have to make places to  
22 enable people to do work that was unknown a hundred and  
23 fifty years ago.

24 MR. BROWN: May it please the court, I don't  
25 shrink at offering revolutionary ideas for drastic situ-  
26 ations, and I submit this is why this Commission is sit-  
27 ting in Windsor today, because the labour situation in  
28 Ontario and Canada in particular is very bad. There are  
29 a lot of strikes and very serious reasons behind the  
30 strikes. You people are here to get the bases of the





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1350

1 strikes. Those are revolutionary things.

2 THE COMMISSIONER: I am not afraid of ideas of  
3 any sort, don't worry about that.

4 MR. BROWN: It is the government's duty to in-  
5 sist these factories do not desert their employees. The  
6 city has invested a lot of money in new sewers, new  
7 schools and all that but if you have the factories des-  
8 erting you get a situation of a ghost town like Elliott Lake.

9 MR. POLLOCK: I guess we should make more  
10 atomic bombs. Are you advocating the government ought  
11 to step in and say to the companies, "No, I am sorry, you  
12 cannot manufacture automobiles you will put the black-  
13 smith out of a job?" Surely you have to compete on an  
14 open market. If the company can make more money by moving  
15 to Oakville why not? They certainly employed a lot of  
16 people around Oakville.

17 MR. BROWN: Gentlemen, with all due respect to  
18 you and your office, don't try to put words in my mouth  
19 about atomic bombs or running away and giving other jobs  
20 up there. There was one case last year that moved out  
21 when men of twenty, forty and fifty years of age  
22 couldn't get work.

23 MR. POLLOCK: Why, did they move the plant?

24 MR. BROWN: Why was Chrysler able to stay in  
25 Windsor?

26 MR. POLLOCK: Why did Ford move from Windsor  
27 to Oakville?

28 MR. BROWN: Perhaps you should direct that  
29 question to Ford.

30 MR. POLLOCK: It is more economical to operate





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1351

1 in Oakville.

2 MR. BROWN: It may be for the Ford Company but  
3 not for the employees who lost their jobs. There are two  
4 sides to every story. It may be more profitable to them  
5 but we pay for it through the nose. I know, I have lived  
6 here all my life.

7 THE COMMISSIONER: That is the kind of talk  
8 that comes from the heart, I can see, as well as the mind.

9 MR. BROWN: It is bitter experience, sir.

10 THE COMMISSIONER: It presents a very difficult  
11 problem in our modern civilization because you do accept  
12 the conception of private property?

13 MR. BROWN: Yes.

14 THE COMMISSIONER: You see, you are denying  
15 that when you say they shouldn't be allowed to move to  
16 where their property can make the greatest profit.

17 MR. BROWN: I am not denying private property.

18 THE COMMISSIONER: You are limiting it?

19 MR. BROWN: We built it up.

20 THE COMMISSIONER: Their answer is you got your  
21 share of that by your monthly wages.

22 MR. BROWN: Henry Ford did not build Ford;  
23 McLaughlin did not build General Motors. Those plants I  
24 am sure you will agree were built by the men who worked in  
25 them.

26 THE COMMISSIONER: They certainly played their  
27 part, but there is more than that.

28 MR. BROWN: Don't you think they have a vested  
29 interest?

30 THE COMMISSIONER: I can quite appreciate that





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1352

1 idea.

2 MR. BROWN: So do we. We can feel it here.

3 (Hand on heart)

4 THE COMMISSIONER: That is one of the difficulties  
5 of living on this earth.

6 MR. BROWN: What I am driving at, as a parent  
7 I am responsible for my children.

8 THE COMMISSIONER: The answer by the other man  
9 is they are your children, not his.

10 MR. BROWN: I am responsible that my kids don't  
11 get picked on by the neighbourhood bully. This is why we  
12 have government to protect the citizens, all of them, Tom,  
13 Dick and Harry.

14 THE COMMISSIONER: If you say the government  
15 should step in and control the movement of plants, do you  
16 think the government should control the movement of persons?

18 MR. BROWN: In World War II the government  
19 stepped in and did a lot they should be doing now with  
20 the Wartime Prices and Trade Board. Then my dollar at the  
21 end of the week was worth a dollar. The government con-  
22 trolled the supermarkets and said, "You will charge so  
23 much for sugar," and they did and they survived. Now there  
24 is control of our wages because they are tied down for  
25 three years, and at one time the U.A.W., wrote a contract  
26 for five years.

27 THE COMMISSIONER: But you have agreed to that.

28 MR. BROWN: You are missing my point, sir, our  
29 wages are controlled. We can't go down and say we want  
30 fifteen cents an hour next week but there is nothing to





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1353

1 prevent the supermarket to add another ten cents on a can  
2 of beans. We are in a strait jacket.

3 I don't mind my wages being controlled, they  
4 are controlled. I want the prices controlled. We should  
5 have the government step in and prevent the companies kick-  
6 ing us around quite legally. It hurts in our stomach, it  
7 doesn't hurt them.

8 THE COMMISSIONER: Do you know anything more  
9 difficult than to control prices? You have followed the  
10 discussions in Ottawa before that Committee?

11 MR. BROWN: Yes, sir.

12 THE COMMISSIONER: How far do you think they  
13 got in clarifying what could be done?

14 MR. BROWN: I know politics. In 1934 they had  
15 a Royal Commission on price spreads. In 1959 they had  
16 one on price spreads. They are having one now, and they  
17 will all collect dust in pigeon holes. In World War II  
18 when they had to put their foot down to win victory it was  
19 essential they found a way, and they did it. All I am  
20 asking is for protection.

21 MR. POLLOCK: They did a lot of things during  
22 the War that wouldn't be acceptable today. They rationed  
23 a lot of things.

24 MR. BROWN: There is rationing that exists  
25 today. Those with the most money get the best. Those  
26 with the least money --

27 MR. POLLOCK: You can get a car if you want to  
28 buy it.

29 MR. BROWN: I am glad you brought that up.  
30 Your Canadians are exploited here. We are being paid





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1354

1  
2 cheaper wages and charge higher prices for cars we are  
3 building in Canada. They are shipped across the river  
4 and sold for four hundred dollars cheaper. We are not  
5 allowed to buy them ourselves. The government does not  
6 protect us. We expect protection from our government and  
7 why we are anxious to appear before you today is because  
8 I know you are going to make recommendations and these are  
9 the roots of it.

10 THE COMMISSIONER: That is quite a job you put  
11 before us.

12 MR. BROWN: You are twice my age and I am sure  
13 you are equal to it.

14 THE COMMISSIONER: In Britain today they are  
15 in hard straits. They have prices controlled and wages  
16 controlled.

17 MR. BROWN: I am a Canadian citizen and more  
18 interested in what is happening in Canada than what is  
19 going on in England.

20 THE COMMISSIONER: They show the difficulty of  
21 transforming the relations hardened by centuries of custom.

22 MR. BROWN: I will say we can learn things  
23 from England, from the United States, from France or any  
24 other country, why not if they have been through this and  
25 have come up with a good solution. Why not use it?

26 MR. POLLOCK: They have come up with wage and  
27 price controls.

28 MR. BROWN: Bully for them, I wish we had it  
29 here.

30 MR. POLLOCK: They don't wish they had it there.





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1355

1 MR. BROWN: It depends on whose ox is being  
2 gored.

3 THE COMMISSIONER: There is an ox on both sides  
4 of the street.

5 MR. BROWN: In the papers I read, England was  
6 going to the dogs and this is pulling it out by the boot  
7 straps. Who is right? They have a point, the wages were  
8 controlled and they have to do something to control the  
9 prices.

10 MR. POLLOCK: The wage freeze came in at the  
11 same time.

12 MR. BROWN: But the wages for all practical  
13 purposes were frozen already by contract.

14 THE COMMISSIONER: You recommend we have labour  
15 courts. They do have labour courts in many countries.  
16 They have a minimum in Great Britain. We have many more.  
17 Your view is that they are necessary to do what, now?

18 MR. BROWN: Let me put it to you this way, sir,  
19 we have criminal courts for criminals; traffic courts for  
20 traffic violators; divisional courts; we have family  
21 courts, but for eight hours of our lives, forty hours a  
22 week, we do not have any court we can go to that is im-  
23 partial. We have no court we can go to and say this is  
24 my case and where the employer can say this is my case.  
25 When we are dealing with an employer it is not equal, he  
26 is judge, jury and hangman.

27 THE COMMISSIONER: What does he base that at-  
28 titude on?

29 MR. BROWN: He is the boss.

30 THE COMMISSIONER: Why is he boss? What is





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1356

1 the justification for him calling himself the boss?

2 MR. BROWN: Somebody has to give orders and  
3 somebody has to receive them.

4 THE COMMISSIONER: No, no. He says, "This is  
5 my right, we people are the shareholders of the company,  
6 this is our property." Do you accept private ownership  
7 of property?

8 MR. BROWN: Yes, I do, sir, but many things  
9 arise on a day to day basis the average person doesn't  
10 know about.

11 THE COMMISSIONER: His justification is this  
12 is his job.

13 MR. BROWN: His attitude is, I am the boss and  
14 to heck with anybody else.

15 THE COMMISSIONER: I think that may be true,  
16 but I am trying to analyze the cause of it. Why does he  
17 take that attitude? Put yourself in his position as a  
18 man of wealth, you inherited it and you have this  
19 business. What would your attitude be to me? I am  
20 simply a person looking for work.

21 MR. BROWN: If I should act like some bosses  
22 I should be shot. Their incentive is to make money and  
23 the harder they can drive the public to work for them,  
24 this is inherent.

25 THE COMMISSIONER: Isn't that the economic  
26 philosophy of North America?

27 MR. BROWN: And the root of the whole trouble.

28 THE COMMISSIONER: Would you put everything in  
29 the hands of government?

30 MR. BROWN: No, but I say we are entitled to





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1357

1 protection. Let me explain a little --

2 THE COMMISSIONER: Don't mistake me, I am going  
3 to ask you a great deal of questions which won't indicate  
4 one view or another.

5 MR. BROWN: These bosses, they are in the  
6 driver's seat completely. There is no such thing as equa-  
7 lity because he has the final say. When you are dealing  
8 with a boss he is your opponent. He is also your judge  
9 because he has the whip hand. This is what I am driving  
10 at, this is the inequality of the things as they exist  
11 today.

12 There is no such thing as equality, he is there  
13 and you are here but if I have a beef with you, a civil  
14 beef, I can go to a judge. I can say, "This is my case,"  
15 and the judge makes up his mind. If there was a labour  
16 court where I could go and say, "Sir, these jitney fumes  
17 are choking me and these gasoline or chemical fumes are  
18 choking me," and I can prove it he would make a decision.  
19 The manufacturer would have his day in court. He would  
20 have a chance to give the other side, but at least I would  
21 have the advantage of an impartial hearing. The judge  
22 would say, "This guy is right or that guy is right." I  
23 would have an impartial hearing but now I don't stand a  
24 snowball's chance.

25 THE COMMISSIONER: From one point of view the  
26 answer would be to go somewhere else.

27 MR. BROWN: Sir, I have seventeen years in.  
28 I am forty-one; I can't quit and start at the bottom of  
29 the ladder. You don't do that.

30 THE COMMISSIONER: I quite agree from your





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1358

1 point of view.

2 MR. BROWN: We are just asking for a bit of  
3 equality. We spend forty hours a week in the plant. Surely  
4 we should have some representation or some judicial board  
5 we can go before to lay our case on the line, when there  
6 is that much of our lives involved during the week.

7 MR. POLLOCK: How can these people decide these  
8 questions? You can decide a question between two people  
9 and whether a contract means so and so. You can interpret  
10 these things; but how do you decide how much money a man  
11 is worth, you want four dollars, the company says two  
12 dollars an hour.

13 MR. BROWN: You are now talking about negot-  
14 iations. I was talking about arbitration.

15 MR. POLLOCK: Don't you have arbitration under  
16 the collective agreement, where you are talking about  
17 being choked by the fumes?

18 MR. BROWN: Sure you do but it is a long drawn  
19 out thing. It costs a lot of money to take a case to the  
20 arbitrator and a lot of time. You have heard evidence of  
21 one and one-half and two years and they haven't got answers.  
22 The men get hopping mad.

23 MR. POLLOCK: You have similar delays in your  
24 ordinary civil proceedings. It may be a year or two be-  
25 fore you are heard in court.

26 THE COMMISSIONER: It shouldn't take that long.

27 MR. BROWN: In Magistrate's Court you get a  
28 decision next day, sir.

29 MR. POLLOCK: What you are saying you ought to  
30 have a better grievance procedure. That is what you are





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1359

1 directing your labour court to?

2 MR. BROWN: Not negotiation, arbitration and  
3 interpretation of the contract the company signs.

4 MR. POLLOCK: A speedy more rapid reference of  
5 grievances?

6 MR. BROWN: That is correct, sir. That is the  
7 nub of the whole matter.

8 THE COMMISSIONER: I don't think there is any  
9 dispute about that, if the time taken is as stated. It  
10 is too long. But the question is what steps will you take  
11 to make it shorter?

12 MR. BROWN: I have tried to outline them in my  
13 brief and why I am so anxious to appear before you, be-  
14 cause you will make the recommendations to your superiors  
15 and your superiors will be legislators. They will listen  
16 to you and will put them in effect if they want labour  
17 rest in Ontario.

18 MR. POLLOCK: Before we leave you completely  
19 I want to support your position which you have on Page 10  
20 when you say, "The Public Civil Service Association should  
21 err on the side of generosity for the highly-skilled edu-  
22 cational people."

23 MR. BROWN: You wouldn't have a vested interest  
24 in that, sir?

25 MR. POLLOCK: You are absolutely right. You  
26 are not all bad.

27 MR. BROWN: It depends on who you are talking  
28 to.

29 MR. POLLOCK: You have another interesting  
30 position here with relation to negotiation on the lock-up,





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1360

1 the lock-up principle. It is on Page 12 where you say to  
2 get a contract negotiated you ought to take the management  
3 negotiating team and union negotiating team and lock them  
4 in a room, and tell them to come out with an agreement or  
5 not come out.

6 MR. BROWN: Like I said before, I am not  
7 shrinking from advancing revolutionary ideas. They do  
8 that in the College of Cardinals in Rome and they are  
9 right there until they get a decision, and the College of  
10 Cardinals in Rome not only lock them up they insist on a  
11 decision. If somebody can offer me a better idea -- and  
12 if anybody wants to laugh I don't care -- I will listen  
13 to it.

14 THE COMMISSIONER: I think it would be more  
15 sensible to agree upon an individual who would have charge  
16 of making all decisions under that agreement.

17 MR. BROWN: I beg to differ with you there, by  
18 nature of our bringing up in society. We are all individ-  
19 duals and in an agreement we all take a different view.

20 THE COMMISSIONER: I am speaking of arbitration.

21 MR. BROWN: I am speaking about that too, sir.

22 MR. POLLOCK: I was talking negotiation, you  
23 are talking arbitration to the Commissioner.

24 THE COMMISSIONER: I am suggesting -- I must  
25 say I can't take seriously the lock-up. The situation  
26 isn't the same as a jury. They have no interest. They  
27 are like judges, but if you select a man he must be com-  
28 petent, a man of ability. He must be a man of imagin-  
29 ation. He must know something about the works on which  
30 he is passing judgment in the settlement of disputes.





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1361

1 Every day it seems to me you are blowing this up into far  
2 greater importance than it possesses.

3 MR. BROWN: I beg to differ, with all respect  
4 to your office, two heads are better than one, and by our  
5 very upbringing we have a different idea in life. You  
6 might say, "That is right." I will say, "That is left."

7 THE COMMISSIONER: Most of our disputes in law  
8 are not decided by a jury, they are decided by a single  
9 judge.

10 MR. BROWN: May I finish please, this is why a  
11 jury is less liable to err, because they have twelve dif-  
12 ferent ways of looking at a thing and even jurists -- you  
13 will know this -- are often countermanded in their de-  
14 cisions and are overruled.

15 THE COMMISSIONER: Do you think the jury ver-  
16 dicts are the essence of wisdom?

17 MR. BROWN: I think they have a much better  
18 chance of being correct.

19 THE COMMISSIONER: I think one first-class  
20 mind is better than twelve third-rate minds.

21 MR. BROWN: Who is going to make the selection?  
22 You would need a man like Jesus Christ or Solomon. He  
23 would be looked upon with suspicion from one side or the  
24 other, depending on his past record, but if labour was  
25 to nominate a man and management nominate and the govern-  
26 ment nominate a man you have three opinions.

27 THE COMMISSIONER: Really, you would get only  
28 one.

29 MR. BROWN: They could talk it over amongst  
30 themselves and come to a better decision.





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1362

1                   THE COMMISSIONER: You have made your point but  
2 I must say it is not really feasible to put men under lock  
3 and key and say they must come to a settlement. One gives  
4 up and the other resigns.

5                   MR. BROWN: They do it every day across the  
6 road.

7                   THE COMMISSIONER: No, they decide objective  
8 facts. They determine what happened in a given transaction.  
9 That is all the jury decides.

10                  MR. BROWN: Take the particular case of where  
11 there is a negotiation with government employees. The  
12 negotiators for the government have absolutely no incentive  
13 for them to settle at all. They sit back and stall, stall,  
14 stall.

15                  MR. POLLOCK: That is not necessarily true, I  
16 quarrel with that.

17                  MR. BROWN: Let the government pull their chest-  
18 nuts out of the fire.

19                  MR. POLLOCK: They have indeed, the fact they  
20 are sent in to manage a corporation of the Crown. If you  
21 are talking about the Crown Corporations or dealing with  
22 the Civil Service directly and the Chairman of the Civil  
23 Service or Civil Service Commission, they certainly have  
24 something to do. They are paid to act to prevent strikes.  
25 Paid to act to prevent the other things and to negotiate  
26 the contract to the best interests of the government and  
27 to go as far as they can, considering the individuals are  
28 shareholders of the province.

29                  MR. BROWN: The Civil Service strikes will at-  
30 test to that. They have no vested interest, all they have





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Toronto, Ontario

1363

1 to do is sit back and say no, no, and they strike and the  
2 government pulls the chestnuts out of the fire.

3 MR. POLLOCK: What case are you talking about?

4 MR. BROWN: The rail strike. The strike of the  
5 teachers in Quebec, there was another Civil Service strike.

6 MR. POLLOCK: You are suggesting they should  
7 get what they ask for?

8 MR. BROWN: I don't say that. I think some  
9 incentive -- they should be cloistered or enclosed or  
10 somewhere to have an incentive to get down to some real  
11 action to complete the negotiations and get the thing  
12 settled.

13 MR. POLLOCK: You are talking about a physical  
14 incentive, they have a mental incentive to do the job well.  
15 They will do it well and they will get promoted and re-  
16 ceive more money for themselves. There is a non-remuner-  
17 ative satisfaction in doing a job well. If you put the  
18 only incentive on them to come to an agreement is to get  
19 out of the room, what kind of incentive is that?

20 MR. BROWN: The incentive now is to keep their  
21 wages low as possible so they can go back to their sup-  
22 eriors and say it didn't cost a thing.

23 MR. POLLOCK: You are the people who are the  
24 taxpayers of this country, who support the government of  
25 this country. It is your money the Civil Service negot-  
26 iators are dealing with.

27 MR. BROWN: That is a subject in itself.

28 THE COMMISSIONER: You talk about recertifi-  
29 cation, what do you mean by that?

30 MR. BROWN: Well, sir, I am particularly





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1364

1 pleased to meet with you face to face, because you are the  
2 man Justice Ivan C. Rand that brought out the Rand formula,  
3 that a man did not have to belong to a union to hold a job.

4 Nowadays some unions have progressed to the  
5 stage where they demand everybody be a union member, and  
6 they enforce it. If you dare to oppose them, they try to  
7 intimidate you and intimidate others by threatening to  
8 charge you with conduct unbecoming a union member.

9 THE COMMISSIONER: How can they do that if you  
10 are not a union member?

11 MR. BROWN: You have to be today to hold a job.  
12 I know the unions have to know where the next dollar comes  
13 from in order to exist, the same as me or you. We should  
14 have a chance to vote on unions once every five years,  
15 because sometimes these unions just pocket the money and  
16 once they have the money there is no incentive to do any-  
17 thing. They just go through the motions.

18 THE COMMISSIONER: When you say "we" you mean  
19 "we, the members of the bargaining unit?"

20 MR. BROWN: Yes, sir, the members of the mem-  
21 bership. You can decertify the union but it is a long  
22 drawn-out process. You have to go through the shops with  
23 petitions and naturally no man is going to sign a petition  
24 if the stewart is watching him. He will be threatened  
25 with conduct unbecoming a union member. It isn't fair.  
26 Members of Parliament and the Provincial Parliament have  
27 to give an account of their stewardship every five years  
28 by ballot boxes.

29 THE COMMISSIONER: All I think about is in the  
30 case of government you have choices. One man runs for





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Toronto, Ontario

1365

1 your support against another, but in this case of recer-  
2 tification I take it that you simply take a vote of  
3 whether or not you still have confidence in the particular  
4 union. What do you mean to get out of the union by having  
5 a new union?

6 MR. BROWN: Yes, sir, just like the citizens.  
7 If we don't like the conservatives in Ottawa we vote lib-  
8 eral.

9 THE COMMISSIONER: That would mean you would  
10 have to have one or more other unions competing for your  
11 membership?

12 MR. BROWN: That is right. If the right to  
13 represent the membership was thrown open every five years,  
14 so the men could openly vote on which union they wanted to  
15 represent them, then you would get democracy in the unions.  
16 Now, some unions -- the last certification was February  
17 of 1941 and 1942. Twenty-five and twenty-six years ago.  
18 We have men working in the plants who were not even born  
19 then. They had no free right of choice of which union  
20 should represent them.

21 THE COMMISSIONER: Why don't they make their  
22 opinions felt?

23 MR. BROWN: They do, they rebel.

24 THE COMMISSIONER: They can elect new officers  
25 can't they?

26 MR. BROWN: That is what you say now, you are  
27 changing colours, but you have the same leash. You can  
28 change the officers but the same union. As the members,  
29 we should have the right of saying what union over there  
30 can represent us better than this one over here.





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1366

1 THE COMMISSIONER: Why do you say that?

2 MR. BROWN: Maybe I am not satisfied with the  
3 performance of my union. If I am forced to pay checkoff --

4 MR. POLLOCK: You have it right now. If you  
5 want to change to another union join another union. You  
6 have to make sure you get fifty-one percent of the votes.

7 MR. BROWN: This is what I am driving at. As  
8 a tax-paying citizen we don't say we want an election  
9 every five years, this is guaranteed by law that there will  
10 be an election at a maximum of five years. This is our  
11 right, the constituents in a shop. But once a union gets  
12 on the backs of men it rides forever and there is hardly  
13 anything a man can do to get them off.

14 We are forced to pay checkoff whether we like  
15 the union or we don't. You had the right idea in 1946  
16 when there were a lot of freeloaders. That has been cor-  
17 rected but nowadays the men have lost control of the  
18 union.

19 I don't mind paying checkoff but I want to pay  
20 it to the union I want to pay it to. If the majority  
21 vote against me, fine, I will go along, but at least I  
22 want that right. It is only fair and proper. We pay the  
23 piper and we have the right to call the tune.

24 THE COMMISSIONER: Are there other unions in  
25 the automobile industry? There is only one isn't there?

26 MR. BROWN: Predominantly, it controls ninety-  
27 five to ninety-eight percent of the members.

28 THE COMMISSIONER: Is there a closed or union  
29 shop in all the automobile plant manufacturers in this  
30 city?





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1367

1           MR. BROWN: Pretty well. Most of them are union  
2       shops.

3           MR. POLLOCK: Is there a union shop at Chrysler?

4           MR. BROWN: Yes, sir.

5           MR. LOGAN: In a union shop you have to remain  
6       a member or lose your job. We think you have to join the  
7       union once you come here, but you don't have to remain a  
8       member. If you don't remain a member you don't lose your  
9       job.

10          MR. BROWN: But I have to pay five dollars and  
11       fifty cents a month.

12          MR. POLLOCK: You have to pay five dollars and  
13       fifty cents a month under the Rand formula?

14          MR. BROWN: Yes, and it is not paid in the  
15       best interests of me and other Canadian citizens and if I  
16       am forced to pay the checkoff I want to say which union I  
17       will pay it to. They take five dollars and fifty cents  
18       away whether I like it or don't. I can't say, "Don't  
19       take any money out of my cheque."

20          MR. POLLOCK: No, you can't. You have to con-  
21       vince the other fifty percent of the membership in your  
22       plant that you are right and that this union isn't repre-  
23       senting your interests to your satisfaction.

24          MR. BROWN: You can't make that statement you  
25       have just made unless you have worked in an automobile  
26       plant. The members are not satisfied with the performance  
27       of the U.A.W.

28          MR. POLLOCK: Why don't they do something  
29       about it?

30          MR. BROWN: Because they are intimidated.





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1368

1 They are scared to openly solicit another union. They are  
2 scared to be kicked out.

3 MR. POLLOCK: What do they care if they get  
4 kicked out of the union?

5 MR. BROWN: They lose their jobs.

6 MR. POLLOCK: They don't, they don't have to  
7 be a member of the union.

8 THE COMMISSIONER: It ought to be an easy mat-  
9 ter to determine whether the agreement calls for union  
10 members.

11 MR. POLLOCK: I am advised by Mr. Brookes, the  
12 President of the Automobile Local at Chrysler that there  
13 is no union shop in Chrysler.

14 MR. BROOKES: Mr. Brown works there and has  
15 withdrawn his membership with the U.A.W., as he has a  
16 right to do.

17 MR. BROWN: That is right. I disassociated  
18 myself. That is the closest I could go to resigning com-  
19 pletely. If I thought I did not have to pay checkoff dues  
20 I would resign completely.

21 MR. POLLOCK: You have resigned as far as the  
22 union is concerned.

23 MR. BROWN: But they are still forcing five  
24 dollars and fifty cents a month out of my pay and five  
25 dollars and fifty cents from every one at Chrysler who  
26 doesn't want the U.A.W. to represent them.

27 MR. POLLOCK: They don't have any control over  
28 you. If the union is threatening that they can say your  
29 conduct is unbecoming a union member what do you care?  
30 You are not a union member, what can they do to you?





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1369

1 MR. BROWN: They can fire you.

2 THE COMMISSIONER: It all depends on the con-  
3 tract of engagement. It may be you must do that whether  
4 you belong or not to the union, and if you don't pay it  
5 you violate your contract of employment.

6 MR. BROWN: I want to have a choice once in  
7 awhile of which union I want to pay it to.

8 THE COMMISSIONER: You made that clear. That  
9 is something I don't know, it has been suggested before  
10 but I wonder --

11 MR. BROOKES: I submit it is provided for now  
12 in the Labour Relations Act. The only difference is out  
13 of ten thousand employees we have one who withdrew his  
14 membership. If there were more we should have to look  
15 into it.

16 THE COMMISSIONER: Do you think the majority  
17 of any union around here, if they had an opportunity would  
18 vote freely to join another union?

19 MR. BROWN: I submit, sir, they should have  
20 the opportunity.

21 THE COMMISSIONER: Do you think there would be  
22 any likelihood?

23 MR. BROWN: I think there would. There have  
24 been meetings in the U.A.W. cancelled because they  
25 couldn't get a quorum. These are facts.

26 MR. POLLOCK: Maybe the members are satisfied  
27 with the way the union is operated and they don't go to  
28 the meetings. How many political meetings do people go  
29 to?

30 MR. BROWN: Just because a person doesn't go





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1370

1 to a union meeting isn't proof he is satisfied. Maybe he  
2 is fed up and disgusted with the actions. I have been in  
3 the union since 1942 and I know how they work things.

4 They will call the meeting for 8:00 o'clock  
5 and they will be lucky if it starts at 8:30, and then  
6 they will drag out something that doesn't mean anything.  
7 The guys get fed up and go home and never go back. This  
8 is the way the union wants it and the hard core, sometimes  
9 twenty or fifteen men will decide things for unions of  
10 three thousand members.

11 MR. POLLOCK: What is the size of your union?

12 MR. BROWN: Nine thousand.

13 MR. POLLOCK: Do you think you could get forty-  
14 five hundred to join another union? What union would you  
15 suggest?

16 MR. BROWN: This is another kettle of fish.  
17 This is my own personal conviction but you might have a  
18 different idea. Those men might have a different idea,  
19 but my point is we should have the right to choose another  
20 union if we so desire. We should have the right.

21 MR. POLLOCK: Do you think it would be better  
22 to have no union and go back to the days of the Dodge  
23 Brothers?

24 MR. BROWN: Certainly not.

25 MR. POLLOCK: So you are satisfied if the maj-  
26 ority of members of your union vote for the union or do  
27 not vote for the union you will take the vote of the maj-  
28 ority of your fellow workers?

29 MR. BROWN: I have no choice. I have written  
30 out letters of disassociation.





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1371

1                   MR. POLLOCK: If it became a question of fact,  
2 that you choose between a union or no union, would you  
3 take any union?

4                   MR. BROWN: No, sir, I wouldn't take any union,  
5 particularly the U.A.W. There are copies of my letters  
6 of disassociation. I don't want the U.A.W. to represent  
7 me. I don't think they are doing a decent job for Cana-  
8 dians. I think they are selling us down the river.

9                   Here is the Financial Post of June 13th, 1964,  
10 where it says that Walter Reuther is purported to have  
11 gone directly to President Johnson to put a stop to the  
12 so-called Drury plan.

13                  MR. POLLOCK: They are now negotiating for  
14 wage parity aren't they for Canadian employees?

15                  MR. BROWN: This is an old, old story. Ever  
16 since 1937 the U.A.W. has talked equal pay for equal skill.  
17 They can't get equal pay for equal work in the Windsor  
18 area. In 1937 we were getting sixty cents an hour, the  
19 Americans were getting eighty to eight-five. Now it runs  
20 seventy-five and a dollar and sometimes more. Our feeling  
21 is if they couldn't get wage parities in thirty years they  
22 are never going to get it.

23                  The U.A.W. officials are demanding that Wash-  
24 ington prevent Canada from exporting more auto parts to  
25 the United States and attracting auto firms into Canada.  
26 They do not want us to sell cars over there. This is  
27 treason. They call themselves an international union but  
28 they are not looking after the best interests of Cana-  
29 dians and never did. This is one of the reasons I don't  
30 want them representing me, gentlemen. No man can serve





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1372

1 two masters.

2 There are two sets of workers in two different  
3 countries in the field of imports and exports. To the  
4 American it is an export and as soon as it comes to Canada  
5 it is an import and we have suffered plenty. They have  
6 never done a darn thing to help us and this why I am glad  
7 I had my day in court, to explain to impartial men what  
8 is going on in the auto industry.

9 THE COMMISSIONER: You can't take all the busi-  
10 nesses and all the assets and put it under government.  
11 You just cannot. There is no government fit to do that.  
12 You have to leave these things to work themselves out.  
13 Sometimes they create hardships, sometimes they do not  
14 when you are given an honest leadership. That is the  
15 reason humanity seems unable to shake itself clear and  
16 why we are so far amorphic.

17 MR. BROWN: This is why courts exist and why  
18 citizens lay their problems on your desk. This is why we  
19 want the right to go to an impartial arbitrator and com-  
20 plain about conditions under which we work.

21 THE COMMISSIONER: The most humanity can do is  
22 to meet the roughest features of relations between men.  
23 Not always satisfactorily, but we have to accept what the  
24 majority are willing to accept. That is a fact whether  
25 we like it or not.

26 MR. BROWN: All I am asking, and I speak for  
27 myself, is the right to vote from time to time.

28 THE COMMISSIONER: Yes, I see that. That is  
29 a new idea. We might ask Mr. Brookes what he thinks about  
30 it. Thank you Mr. Brown, if you have nothing more to





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1373

1 add I can assure you we have read this very carefully.

2 MR. BROWN: It has been my pleasure.

3 MR. POLLOCK: Would you sit down for a minute,  
4 Mr. Brown, and Mr. Brookes have you anything to say?

5 MR. BROOKES: I would like to say this, with  
6 all due respect to Mr. Brown's evidence, he does leave  
7 leaflets at the plant putting forward the same arguments  
8 and encouraging the people to switch their union. He  
9 keeps on a constant attack of the union in there. Nobody  
10 interferes, nobody stops him. The leaflets are handed out  
11 in plants and any union recognizing it is wrong and the  
12 fellows are not satisfied, would look into the matter.  
13 Our law protects any worker and gives him that right  
14 every so often under the Act.

15 In our local we know of no one else who has  
16 revoked their membership other than Mr. Brown, which he  
17 had every right to do.

18 THE COMMISSIONER: What assessment is in effect  
19 about the payment of dues?

20 MR. BROOKES: We have a modified union shop  
21 whereby an employee is required -- he is required to be  
22 a member of the union and pay his initiation fee.

23 THE COMMISSIONER: That is a union shop?

24 MR. BROOKES: A modified union shop.

25 MR. POLLOCK: What happens if he ceases to be-  
26 come a member?

27 MR. BROOKES: If he quits or is expelled for  
28 misconduct it has no effect whatsoever on his employment  
29 status.

30 THE COMMISSIONER: This is contradictory if he





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1374

1 must join the union and maintain his dues. Do you mean  
2 he can join the union today and tomorrow may disassociate  
3 himself and cease to be a member?

4 MR. BROOKES: Yes.

5 THE COMMISSIONER: What about the payment of  
6 the fee?

7 MR. BROOKES: He must pay his initiation fee  
8 and become a member of the union.

9 THE COMMISSIONER: What about the monthly dues?

10 MR. BROOKES: He pays his dues under the Rand  
11 formula. He continues to pay his dues but his membership  
12 he does not have to maintain physically. This is for per-  
13 sons with religious convictions who may not choose to join.  
14 We have provisions for this.

15 MR. POLLOCK: You don't run into a difficulty  
16 in a union shop about initiation fees when a man is dis-  
17 missed? When the employer has dismissed him? What is the  
18 initiation fee?

19 MR. BROOKES: Ten dollars. In some plants many  
20 are five dollars and ten dollars. Ours happens to be ten  
21 dollars because there happens to be more benefits the  
22 worker inherits.

23 MR. POLLOCK: Why do you want them to join the  
24 union if they quit the same day?

25 MR. BROOKES: No. 1, the union has some respon-  
26 sibility under the agreement for the conduct of its mem-  
27 bers. The union will not cause or permit its members to  
28 cause any interference with operations in the plant.

29 If we are to have some jurisdiction over the  
30 people in the constitution of our union, if they conduct





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1375

1 themselves in a manner unbecoming a member, they may be  
2 expelled and disassociated.

3                   What do we do about the fellow on the picket  
4 line who goes out of his way to create violations? We may  
5 expel him from membership which merely means he wouldn't  
6 be entitled to any other benefits the unions may convey,  
7 such as strike assistance or other assistance from time to  
8 time. Other than that we represent the membership through-  
9 out and there is no basis or foundation for having an au-  
10 tomatic election for determining what union you will have  
11 to represent you every five years. But there is and all  
12 the members know that at any time during the term of of-  
13 fice, no officer is elected for longer than it takes ten  
14 percent of the members electing him to have election for  
15 his recall.

16                  MR. POLLOCK: The union is intrenched to the  
17 extent that it is a lot easier, if you really want to ex-  
18 press your views, it is more convenient to do so by ballot  
19 circulated around, than to have to go around and try and  
20 organize sub rosa forty-five hundred workers and then  
21 make an application for certification.

22                  MR. BROOKES: I think His Honour is on the  
23 right track when he asks why labour is hostile and why  
24 there is raiding between one another, rather than working  
25 towards one another on a common brotherhood. There are  
26 times one union may feel it can better serve a group of  
27 members in another plant. For instance, Chrysler Corpor-  
28 ation bought out an Etobicoke foundry which was under the  
29 Steelworkers jurisdiction. We gave those workers a choice  
30 of whether they wished to be under the U.A.W., where all





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1376

1 the other Chrysler workers are, or remain under the Steel-  
2 workers.

3 THE COMMISSIONER: That is not a true case of  
4 raiding.

5 MR. BROOKES: I am saying though we gave the  
6 workers a choice and they left the Steelworkers and  
7 joined U.A.W., because the U.A.W., could better serve.  
8 True we have jurisdiction in the labour but the worker  
9 has the right of choice and the right to join any union he  
10 pleases, but you don't automatically put it on ballot  
11 every so often to find out if he is dissatisfied with you.

12 But he has the machinery of letting you know  
13 if he is dissatisfied with the union. If they are dis-  
14 satisfied with the union they have many ways. They could  
15 all leave their membership or ten could, or a hundred  
16 could, then you would have to pay attention to whatever  
17 message they were trying to convey.

18 No one is intimidated. No one is threatened.  
19 You can't do that in this day and age, not even the col-  
20 lege students.

21 THE COMMISSIONER: Thank you, Mr. Brookes.  
22 Well, gentlemen, that is all for today and we must say we  
23 want to thank every one of you for the care in which these  
24 questions have been thought out and presented, including  
25 the individual Mr. Brown.

26 These are the men you must remember who have  
27 brought labour to where it presently sits, or stands, and  
28 for that they cannot be disregarded.

29 MR. BROOKES: We respect that also.

30 MR. POLLOCK: We will adjourn until 10:00





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1377

1 o'clock tomorrow morning.

2  
3 --At 4:30 the hearing adjourned to resume at 10:00 A.M.  
Wednesday, March 29th, 1967.

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BINDING SECT. OCT 20 1967

